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ANNUAL REPORT TO THE BOARD OF SUPERVISORS  
SUNSHINE ORDINANCE TASK FORCE

JUNE 1995

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Members of the Sunshine Ordinance Task Force 1994-1995:

Sue Hestor, Chair  
James Chaffee, Vice-Chair  
Kathy Perry, Secretary  
Elizabeth Pritzker, Media Liaison  
Bruce Bellingham  
Bruce Brugmann  
Byron McQuarters  
Bob Planthold  
Enrique Ramirez  
Joseph Van Ness-Ballesteros  
(Vacancy - League of Women Voters)

Ex officio

Naomi Nishioka, Clerk of the Board designee  
David Prowler, CAO designee  
John Taylor, Clerk of the Board

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SUNSHINE ORDINANCE TASK FORCE  
JUNE 1995

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## INTRODUCTION

San Francisco's Sunshine Ordinance, at Administrative Code §67.30(c), requires the Sunshine Ordinance Task Force to report at least annually to the Board of Supervisors. This is the first Annual Report of the Sunshine Ordinance Task Force and covers the period since the start of the Sunshine Ordinance Task Force through May 1995. It is intended to summarize and bring the Board's attention to the major issues we encountered in our first year. It has been prepared by Sue Hestor, as supplemented by Elizabeth Pritzker and James Chaffee.

Attached to this report is a "Summary of Policies/Procedures and Actions of the San Francisco Sunshine Ordinance Task Force" prepared by our Media Liaison, Elizabeth Pritzker. It expands on the issues set out below. Also attached are various documents adopted by the Task Force, including the Sunshine Ordinance Bill of Rights.

### A. MEMBERSHIP OF THE TASK FORCE

The Sunshine Ordinance Task Force was appointed by the Board of Supervisors in a series of actions in early 1994. Over the past year the Task Force membership has changed as various organizations with designated seats on the Task Force found it difficult to fill their seats with a resident of San Francisco able to make the time commitment necessary to sit on the Task Force. The Board has redesignated both the San Francisco Foundation and the Radio and Television Directors seats by amendments to the Sunshine Ordinance. The League of Women Voters seat has been vacant for nearly a year, although the League has informed us they still wish to be represented.

At the request of the Task Force you have amended the Ordinance to require that at all times there be a minimum of one disabled person on the Task Force.

The terms of most of the members of the Task Force will expire in April 1996.

### B. ORGANIZATION OF THE TASK FORCE

This Task Force was created with no budget and extremely limited staff. The Chief Administrative Officer designated David Prowler as his representative on the Task Force. Mr. Prowler has to fit staffing the Task Force into his other, quite considerable, duties. The phone number and address of the Task Force are Mr. Prowler's office.

With only the terms of the Sunshine Ordinance to guide us, the Task Force had to organize itself, develop procedures for its own operations, figure out its role in implementation of the Ordinance and deal with citizens concerned about implementation or violations of the Sunshine Ordinance. A substantial amount of time was necessary to establish a work program to set out the tasks necessary to do business, establish a schedule for meetings and procedures for agendas, develop our Rules and Regulations, and a process for handling complaints.

#### C. DEFINING THE ROLE OF THE TASK FORCE IN IMPLEMENTING THE SUNSHINE ORDINANCE

At our very first meeting a member of the public appeared to complain that a Department was not complying with the terms of the Ordinance and asked us to resolve this matter. The Task Force was required by circumstances to juggle citizen complaints, develop its own procedures for handling complaints, and simultaneously organize the Task Force itself. Most Commissions and other bodies have agendas developed by their staff which prepares an issue and presents it for the members consideration. In this Task Force, the members of the Task Force have to perform many of those functions.

We could not have performed our duties, or gotten organized, without the substantial assistance of Randy Riddle of the City Attorney's Office, and of John Taylor and David Prowler. Mr. Riddle briefed us on the Ordinance and our relationship to the Ethics Commission, the City Attorney's office and other bodies which deal with public meeting and public records issues. His help was invaluable. Mr. Taylor and Mr. Prowler were familiar with how the City has issued directives and gathered information on issues covered by the Sunshine Ordinance. They provided that information to the Task Force and assisted us in understanding City operations.

One of the founding members of the Task Force was Joseph Van Ness-Ballesteros. As a Supervisorial aide he was instrumental in drafting the Sunshine Ordinance. He provided great assistance in getting the Task Force on its way. We note with sadness his death.

The Sunshine Ordinance defines the role of the Task Force as advising the Board of Supervisors on appropriate ways to implement the Ordinance, to propose amendments and report to the Board on practical or policy problems encountered in administration of the Ordinance. Members of the public have expectations, or hopes, that the Task Force has much broader powers. From the beginning it was clear that members of the public expect us to "solve" problems, in many cases on the spot, when they believed a Department or Commission to be acting in

violation of the Ordinance, the Brown Act or the Public Records Act. In addition, there was an issue of whether individual members of the Task Force could or should act to intervene with a Department or Commission on behalf of an aggrieved citizen.

With the advice of the City Attorney on the proper role for the Task Force, the Task Force adopted the following procedures:

- (1) Complaints are filed at our office and not with individual members of the Task Force.
- (2) For each complaint a written form summarizing the nature of the problem is filled out.
- (3) Mr. Prowler attempts to resolve the complaint by contacting the Department directly or the City Attorney's office. We have found that many complaints, e.g. the unavailability of minutes, can be resolved at this level.
- (4) If Mr. Prowler is unable to resolve it himself, he contacts the City Attorney. That office investigates the matter. If it is not resolved, it is brought to the attention of the Task Force for further consideration.
- (5) When the Task Force deems it necessary, it conducts an informal hearing on the dispute. The Task Force, unlike the Ethics Commission, does not have the power or staff to conduct formal hearings. We attempt to bring out the issues and provide guidance to the affected Department or Commission. The ultimate power to enforce the Ordinance rests with the City Attorney and the Ethics Commission. We do, however, have the obligation to inform this Board of problems brought to our attention.

#### D. ADOPTION OF THE SUNSHINE ORDINANCE BY OTHER BODIES

The San Francisco County Transportation Authority has adopted a Sunshine Policy which basically tracks the terms of the Sunshine Ordinance.

The Redevelopment Agency has informed us that they are going through the terms of the Sunshine Ordinance to see which parts can apply to that body. They will report to their Commission on that review.

Members of the Task have attempted to meet with the Housing Authority regarding their possible adoption of the terms of the Sunshine Ordinance for that body. The meeting has not been arranged.



RECOMMENDATIONS TO THE BOARD OF SUPERVISORS ON AMENDMENTS TO AND  
IMPLEMENTATION OF THE SUNSHINE ORDINANCE

1. Time to Request Special Services

There is a conflict between the time necessary to request special services (e.g. enhanced sound listening devices, sign language interpreters, etc.) and agenda availability, particularly for bodies that meet early in the week. We request that the Board amend §67.15(b) to decrease the specified time in advance of a meeting for making such a request for assistance from 72 to 48 hours, except for Monday meetings, for which the deadline would be 4 p.m. of the last business day of the preceding week. This would ensure and promote access to public meetings by citizens requiring special services.

2. Agenda notices on Sunshine Ordinance

There is insufficient public awareness of the Sunshine Ordinance and its provisions. One of the most effective mechanisms of communicating to members of the public who deal with City departments and commissions is Commission agendas. We request that the Board, by whatever means is most appropriate, require public bodies to put the following statement on their agendas:

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE  
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review. Sunshine Ordinance §67.1, (a), (b)

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, 401 VAN NESS AVENUE, ROOM 402, TELEPHONE 554-7940.

3. Desirability of a consistent lobbying position by the City on sunshine laws

The Task Force requests that the Board of Supervisors adopt the following instruction to the City's lobbyists:

City lobbyists, both State and Federal, shall, consistent with the provisions of the intent of the Sunshine Ordinance, lobby for maximum public access to public records and meetings of public bodies and shall consistently oppose restrictions on public access to meetings and records.

4. Policy for amending Sunshine Ordinance for any exceptions.

In December the Task Force considered the application of the Health Department for an amendment to the City's contracting procedures to allow certain information on rates in a managed care contract to be exempt from disclosure for a period of up to three years. At that time the Task Force was concerned that an exception to the Sunshine Ordinance was being done by amending another ordinance and was extremely concerned about the precedent being established.

The Health Director met with the Task Force in attempt to work out a policy where that Department could develop managed care contracts which protected that Department from unfair competition, while at the same time giving the broadest possible protection to the terms of the Sunshine Ordinance. Ms. Hernandez provided us with a copy of a rather lengthy ordinance amending Section 67.24 of the Ordinance, establishing a narrow exception for rate information in managed care contracts.

After a full debate on this matter, the Task Force voted by an 8 to 1 vote to recommend that the Board adopt that amendment.

Having made that recommendation, the Task Force urges that the Board establish a policy that all exceptions to the Sunshine Ordinance be done as amendments to that Ordinance, not to any other Code or ordinance, and that all amendments be referred to the Task Force for its input.

SUMMARY OF COMPLAINTS TO SUNSHINE ORDINANCE TASK FORCE  
through April 30, 1995

1. **Complaint:** Civil Service Commission allowed insufficient time for testimony, kept insufficient minutes, and did not provide adequate access to records  
**Resolution:** At a meeting of the Task Force, complainant and a representative of the Commission discussed and resolved the complaints
2. **Complaint:** Juvenile Probation Commission's handling of the firing of Chief Fred Jordan  
**Resolution:** A letter from the Task Force to the Commission finding that the Ordinance had been violated and urging improved compliance
3. **Complaint:** Excessive redaction of Police records regarding off duty officers serving as security guards  
**Resolution:** Release of the requested information to the satisfaction of complainant
4. **Complaint:** Access to Police Commission minutes  
**Resolution:** They were provided
5. **Complaint:** Alleged violation of the Ordinance by the Library Commission regarding public comment at meetings  
**Resolution:** City Attorney advised that policy did not violate the law
6. **Complaint:** Document requested from Muni by unsuccessful bidder for a contact  
**Resolution:** Document could not be located
7. **Complaint:** Copying costs at the Dept. of Human Resources  
**Resolution:** Being resolved
8. **Complaint:** Access to Police Records by provider of private security services  
**Resolution:** Records provided just as Task Force got complaint
9. **Complaint:** Request for information on Patrol Specials activities in the Castro  
**Resolution:** City Attorney opinion that as private contractor such firms are exempt from the Ordinance
10. **Complaint:** Access to personnel records at Juvenile Probation  
**Resolution:** Complainant did not respond to requests for followup information

## GOALS AND DIRECTIONS FOR THE TASK FORCE IN THE COMING YEAR

by James Chaffee, Chair, 1995-1996

The Task Force is an independent deliberative body and its direction will, of course, be decided by the group as the issues come before us.

The overwhelming need seen by the Task Force seems to be an educational campaign. What is foreseen is a two-pronged effort. There is a need to inform public bodies about their obligations under the Sunshine Ordinance. There is also a need to inform the public about the extent of their rights under the Ordinance. The Task Force has already adopted a Sunshine Bill of Rights which will be one of our major educational tools.

With the assistance of the Board of Supervisors we want the City to adopt a requirement that each agenda in the City have a notice to citizens of the existence of the Sunshine Ordinance. We expect to see an increase in complaints as citizens become aware that they have recourse regarding Sunshine violations.

We would like to be more active in outreach to the disabled community. One of the most important aspects of the Sunshine Ordinance is protecting the access rights of the disabled and we see a need to be active in in facilitating some of those services.

There is also a need to review some of the language of the Sunshine Ordinance. I would like to bring a comprehensive set of updates to the Ordinance to the Board of Supervisors at the end of the coming year.

Summary of Policies/Procedures and Actions  
of San Francisco Sunshine Ordinance Task Force  
As of June 1, 1995 - page 1

Prepared by Elizabeth Pritzker

I. TASK FORCE ADMINISTRATION

A. TASK FORCE MEMBERSHIP

1. Composition

As enacted, the San Francisco Sunshine Ordinance created a Sunshine Ordinance Task Force consisting of nine voting members appointed by the Board of Supervisors as follows: two members (one attorney, one journalist) nominated by the local chapter of the Society of Professional Journalists; one member nominated by the Radio-Television-News Directors Association; one member nominated by the local chapter of the League of Women Voters; one member nominated by the San Francisco Community Fund; two members of the general public with demonstrated interest or experience in issues of citizen access and participation in local government; and two members of the general public experienced in consumer advocacy. Ex officio (i.e., non-voting) members include the Chief Administrative Officer or his or her designee, and the Clerk of the Board of Supervisors and his or her designee. The City Attorney serves as legal counsel to the Task Force.

TASK FORCE ACTION [OCTOBER 1994]. The Task Force requested changes to Task Force Membership, to redesignate the Radio-Television-News Directors Association seat and the San Francisco Community Fund seat and to add a seat for a member of the press or electronic media. The Task Force also requested amendments to the Sunshine Ordinance to require that one member of the Task Force be a member of the public who is disabled.

STATUS. In December 1994, the Board of Supervisors approved changes to the Task Force Membership, consisting of eleven voting members, as follows: two members (one attorney, one journalist) nominated by the local chapter of the Society of Professional Journalists; one member nominated from the press or electronic media; one member nominated by the local chapter of the League of Women Voters; five members of the public with demonstrated interest or experience in issues of citizen access and participation in local government; and two members of the general public experienced in consumer advocacy. At all times the Task Force shall include at least one member of the public who is disabled and who has a demonstrated interest in citizen access and participation in local government. Ex officio and legal counsel membership is unchanged.

Sunshine Ordinance Task Force



City and County of San Francisco

September 9, 1996

*Submitted 9/9/96*

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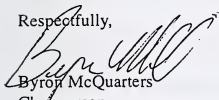
Kevin Shelley, President  
San Francisco Board of Supervisors  
401 Van Ness, 4th Floor  
San Francisco, CA 94102

Dear President Shelley:

The Sunshine Ordinance Task Force presents this Second Annual Report to the San Francisco Board of Supervisors. The report documents the activities, accomplishments and continued evolution of the Task Force during the chairmanship of James Chaffee, from April 1995 through March 1996.

Also, included in the report is a summary of proposed legislative changes to the Sunshine Ordinance that arose out of Task Force hearings on the implementation of the ordinance. We hope that you will find this report informative and instructive, and we look forward to any questions or comments that you may have.

Respectfully,

  
Byron McQuarters  
Chairperson  
Sunshine Ordinance Task Force

cc: Mayor



**SAN FRANCISCO SUNSHINE ORDINANCE TASK FORCE**  
**Annual Report**  
**April 1995 – March 1996**

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**Prepared by: Sunshine Ordinance Task Force Annual Report Committee**

*Committee Members:*

Kathy Perry, Chair  
Byron McQuarters  
Robert Planthold  
Elizabeth Pritzker



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## **The Sunshine Ordinance Task Force**

### **THE FOUR DUTIES ASSIGNED BY THE ORDINANCE**

**Sections 67.30(c) specifies the four duties  
of the Sunshine Ordinance Task Force:**

- 1. "The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter."**
- 2. "The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter."**
- 3. "The task force shall propose to the Board of Supervisors amendments to this chapter."**
- 4. "The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this chapter."**

**Members: April 1995-April 1996**

**James Chaffee, Chair  
Elizabeth Pritzker, Vice Chair  
Robert Planthold, Secretary  
Sue Hestor, Media Liaison  
Bruce Bellingham  
Charlotte Berk  
Bruce Brugmann**

**Byron McQuarters  
Kathy Perry  
Enrique Ramirez  
Landis Whistler**

**Ex Officio Members:  
Ricardo Hernandez  
Jill Lerner  
John Taylor**

The Chair attempted to form and name committees, but the SOTF felt this might conflict with either existing roles (Media Liaison, process—handling complaints), or even the seriatim meeting rule prohibition. Mr. Taylor helped us sort out the ability of task(s) to be given to one member versus a formal subcommittee.

**Complaints:** 1) The SFPD information complaint again came up. We heard that the failure to respond within the maximum 10 days might not, in the opinion of the assigned Dep. City Attorney be a violation because some oral response had occurred within this 10-day response period; SOTF invited the Police Commission and their attorneys, to attend the July meeting about question of compliance with S.O. 2) A complaint against Human Resources Department was resolved to the complainant's satisfaction.

On the question of whether the SOTF can take a position on any pending legislation and/or contact any California constitutional officers, the SOTF requested of both the City Attorney and the Clerk of the Board what, if any, types of letters the SOTF can send, on what types of issues, and to whom.

## **JULY 1995**

Attorney for Police Commission came to talk about the behavior that disrupted the meeting at the SFGH auditorium. After testimony and public comment, the SOTF unanimously moved,

1 Urge the Police Commission to hold a comprehensive public hearing about their lack of criteria for what public actively qualifies as disruptive; and 2 These Police Commission Hearings be widely publicized; 3 Specific text from the letter of ACLU's John Crew be used.

Held a hearing on a complaint against SFPD about failure to provide requested, non-exempt information. Since what was requested is not separate from exempt information, and since departments are not required to re-sort/sanitize information sheets, the SFPD argued it could not comply. When the SOTF learned that similar such information had been available to the S.F. Examiner, via a computer program that passed through only public information from unedited data tapes, we unanimously urged the SFPD to provide the complaint with information in the same format as furnished previously to the S.F. Examiner.

## **AUGUST 1995**

Request for exemption of some "computer software" from the definition of "public information." We entered into discussion about what the S.O. implies in its reference(s) to the Public Records Act and whether any of that should be made explicit by amending S.O. Also, the scope and possibilities for what constitutes "public information" was raised.

## **NOVEMBER 1995**

We heard from the complainant about various practices of the Assessment Appeals Board:  
1) Private deliberations. 2) Lack of Minutes, roll call notes, and advance preparation time for alternate members called in; and of possibly arbitrary practices as to what to admit/exclude as evidence.

The DCA then told us how the AAB is not definitely subject to S.O. and may not be subject to all aspects of state "open government" laws. He offered the advice that the fastest way for the SOTF to clarify this was to ask for amendment(s) to be drafted that would try to bring the AAB, as much as possible, under the S.O.

## **DECEMBER 1995**

The bulk of the meeting dealt with one complaint about the San Francisco Public Library. There were still other complaints unresolved about this and other bodies.

## **JANUARY 1996**

We heard more about the earlier Airport Commission complaint to the effect that the sound amplification system, though in the process of being extended into the hall, may not have been fully recording all public testimony.

We received a lengthy draft from the City Attorney's office about an amendment to the S.O. that would address new databases. Many textual suggestions for change were made, and the draft was sent back for clarification and re-drafting.

We started to hear an oral report of a complaint against the Coroner's office even though none of the members had a copy of the complaint. Since this complaint also involved a preliminary investigation by the District Attorney, the SOTF asked for those files to be disclosed, or in case they are not, for the District Attorney himself to attend our February meeting.

## **FEBRUARY 1996**

We heard more about the Coroner's office complaint, from the complainant, the District Attorney, and the Dep. City Attorney assigned as counsel, on this matter to the DA. Essentially, we were told that the files of this closed preliminary investigation were not disclosable.

We next heard a complaint about the Mayor's Fiscal Advisory Committee, even though we again did not have a copy of this complaint. We found out during the hearing that the complaint was filed after the deadline for inclusion on this Agenda.

The SOTF noted to send letters to the Mayor and to elected public officials allegedly members of MFAC asking them to assist in keeping MFAC open to the public.

## **Sunshine Ordinance Violations: Processing Complaints**

During the first year the Task Force developed and implemented an intake process for complaints. The purpose of the process was to ensure response efficiency and to create a public record for reference. The process is as follows:

- 1) Intake:** The clerk will receive a call, letter or complaint form from a citizen. The citizen will be asked to fill out our complaint form to the best of their ability and within reason. (Task Force Members do not receive complaints directly from citizens, in the event a Task Force member is approached the member shall direct the citizen to the office of the clerk.)
- 2) The Clerk:**

The clerk will record the complaint on the SOTF Complaint Log. If possible the clerk will make a phone call to the commission, department, or agency involved on behalf of the complainant to resolve the problem. In the event this is not possible the clerk will refer the complaint to the task force during the next regular meeting. All complaints are placed in a reader file for the regular meetings. The complainant may also bring the complaint to the Task Force members at it's regular meeting.
- 3) The Task Force:**

The Task force will calendar for hearing the complaints which they wish to consider. Others may be referred to the City Attorney for an opinion. When complaints reveal a pattern of conduct which warrants the adoption of specific regulation to address the issue raised, the task force may refer the matter to the ethics commission or propose an amendment of the Sunshine Ordinance to the Board of Supervisors.
- 4) Action on Complaints (Resolution):**

Complainants will be notified of action taken by the Task Force. The most routine actions to date have been: resolution through intervention by the Task Force Clerk, resolution through the opinion of the City Attorney opinion which revealed no violation of the Sunshine Ordinance, resolution through the opinion of the City Attorney which results in a recommendation for amendment of the Sunshine Ordinance, resolution through a hearing during the Sunshine Ordinance Task Force meetings and a follow up letter of the opinion/recommendation of the Task Force members to the respective parties. The Sunshine Ordinance Task Forces seeks on behalf of citizens and commissions, departments and agencies, positive open government results.

No.	Date:	Department:	Sunshine Ordinance Reported Concerns:	Action/Resolution
10	6/7/95	Public Health	"inspection fee"	policy amended to conform to SSO
11	6/24/95	Police Department	removal of individuals from meeting/re-entry	hearing held on 7/19/95 SFPD attended
12	7/5/95	Recorders Office	fees charged	Referred to City Attorney review sent to complainant 8/15/95
13		Police Commission	ADA compliance not met	Referred to City Attorney review and memo 8/16/95
14		Airport Commission	ADA compliance not met/public comment	Referred to City Attorney 8/8/95, reference memo 8/16/95
15	8/22/95	Library	lack of access to documents	SSTF Clerk phoned Special Assistant to the City Library 8/28/95. Letter from Special Assistant to complainant with follow up phone call from SSTF Clerk.
16	9/1/95	Assessment Appeals	Meeting and Notice Violations	Referred to City Attorney.
	11/3/95	Health Commission	Sect. 67.18, 67.15a, 67.3(2) no roll call, no audio amplification, notice to public of finance committee meetings 11/1/95 mtg	
	11/6/95		11/2/95 mtg. agenda notice requirements not met 67.8(a), 67.15, 67.14 (b)(2)(4)	
	11/20/95	Port Commission	ADA compliance not met	
	11/29/95	Police Commission	Public Mtg 11/29/95 Barred entrance	

SOTF ACTION: Change/Amendment approved by SOTF at the regular meeting May 1995.  
BOARD ACTION: Change/Amendment enacted by the S.F. Board, effective July 1995.

**Item 2:** A proposed Change/Amendment by the Department of Public Works to amend the Sunshine Ordinance Section 67.20(b). to Exempt from the definition of "Public Information" computer software developed by the CCSF.

**Summary:**

Under state law, computer software developed by a state or local agency is defined as "not a public record" under California Government Code section 6254.9, such that the agency may "sell, lease, or license the software for commercial or noncommercial use" without running afoul of Government Code section 6257, which limits the fee agencies may charge for copies of public records to "the direct charge of duplication" and no more. However, because the Sunshine Ordinance provides for greater public access than state law, the Department of Public Works, by and through the Deputy City Attorney, requested the task force to amend the ordinance to exempt computer software developed by CCSF from the definition of "Public Information" in S.F. Admin. Code Section 67.20(b). Otherwise, according to Department of Public Works representative, software developed at great expense to the City, including the geographic information systems currently under development, would have to be provided on computer disk to any member of the public (including, for example, mapping companies who wish to use the software for commercial gain) who requested the information.

**SOTF ACTION:** The Task Force considered the proposed amendment at its August and September regular meetings, at which time there was considerable concern by members that public access to information stored in electronic form not be made unduly expensive or otherwise impair the process of access to information. The amendment proposed by the department was rejected. However at the September 1995 meeting, the task force approved an amendment to Section 67.20 (b) as follows:

**NOTE:** Additions are indicated by bold italics  
Deletions are indicated by ((double parentheses))

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. *"Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9) "Public Information" shall not, for purposes of copying, include computer application software or machine instructions developed by the City and County of San Francisco, including geographic information systems and similar electronic implements, which may be sold, leased or licensed pursuant to Government CODE Section 6254.9, provided that there must be free use of any such system, and the availability of any data so developed, by members of the public both on line via city-maintained public terminals in the public libraries and other city offices and via modem*



**Proposed BOARD ACTION:**

The SOTF recommends a legislative amendment to the San Francisco Administrative Code Section 67.21 setting forth minimum requirements for the release and storage of information stored in electronic form, as set forth above, and as approved by the SOTF at its March 1996 meeting.

- Item 4:** A proposed Legislative Enactment, that the City's 911 System provide for the required disclosure of Public Records without violating required confidentiality.

Summary:

[COPY unavailable at time of this report]

- Item 5:** A proposed Change/Amendment by the SSTF to amend the Sunshine Ordinance to require that Assessment Appeals Board be subject to the Notice, Agenda, Public Comment, and Open Meeting requirements of the San Francisco Sunshine Ordinance.

Summary:

A member of the SOTF, charged that the San Francisco Assessment Appeals Board did not post agenda or otherwise provide public notice of its meetings and deliberations with respect to property tax evaluation and/or assessments within the CCSF, and failed to afford public comment at such meetings and deliberations. In addition, there appeared to be some confusion as to whether the Assessment Appeals Board was subject to the aforementioned requirements as set forth in state law (in the Brown Act, Government Code Section 54950 et seq.) and the San Francisco Sunshine Ordinance. There was also confusion as to the scope of "closed session" deliberations authorized by the California Revenue and Tax Code.

Accordingly, the matter was set for a hearing before the SOTF on November 1995. As part of that hearing, the Deputy City Attorney cited a California State Attorney General's opinion regarding the applicability of the San Francisco Sunshine Ordinance, the Brown Act and the Public Records Act to the Assessment Appeals Board.

- SOTF ACTION:** In light of the City Attorney's statement of the applicable law, the SOTF on November 15, 1995, requested the City Attorney's office draft legislation to amend the Sunshine Ordinance so as to subject the Assessment Appeals Board to the aforementioned requirements. Draft legislation was presented to the SOTF at the January 1996 meeting, at which time the SOTF approved the following amendments to the Ordinance:

## Public Comment

During the March 1996 meeting, Public Comment was requested on the matter of the Task Force and its operations. The following are excerpts from those members who were present:  
(Two Citizens shared comments)

Mr. Gillespie asked if public comments could be submitted in writing. (The task force agreed)

Mr. Hale shared "We should develop a more efficient complaint process. I appreciate your attitudes, develop some power." (The minutes of that meeting further reflect his comments)



MAY 18 2001

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July 15, 1998

- 4/98  
34  
Probably more than at any time since passage of the original law, a great deal of attention this year focused on the Sunshine Ordinance itself. This was true not only of the work of the task force, but also by actions of the Board of Supervisors. The Sunshine Ordinance seeks to promote principles of open government and accountability in decision-making by public agencies by providing the public access to meetings and records of City departments, agencies, boards and commissions.

This year, the Task Force focused on gaps in the Sunshine Ordinance made apparent by the now several years experience in living with the statute as well as concerns that the Sunshine Ordinance may not in fact cover the realities of the operation of City government, such as providing information to the public about sole source contracts and the accountability of advisory committees and "friends of " groups. In addition, the Task Force continued its work in hearing Sunshine Ordinance complaints and educating city agencies about Sunshine Ordinance compliance. However, the Task Force still lacks resources essential to carrying out our statutorily-mandated mission.

The Task Force continued to be concerned that the public had little timely access to information regarding the negotiation of sole source contracts, permits, leases and franchises. Information about even high-profile items, such as granting of the City's cable television franchise, was often not available until negotiations were completed and sent to the Board of Supervisors for approval. A Task Force survey of city departments revealed use by many city departments of these arrangements covering long periods of time and large amounts of public money. The Task Force tried to come up with a legislative proposal to increase access to information about significant sole source contracts, permits, leases and franchises. The Task Force discussions also attempted to respond to concerns of some members about the potential burden on city departments and potential negative impacts on the city's bargaining position in those negotiations.

By year's end, the Task Force was considering recommending changes to the Sunshine Ordinance to require timely disclosure of documents or summaries pertaining to negotiation of sole source contracts, leases or permits with a value of \$500,000 and a term of one year or more, as well as franchises. The Task Force also considered recommending separate legislation to require departments to create an annual list of sole source contracts, term and contract amount. In a separate matter, the Task Force recommended a Sunshine Ordinance amendment to the Board of Supervisors to clarify confusing language in the ordinance relating to immediate disclosure requests.

As in prior years the Task Force continued to receive and act on specific complaints about Sunshine Ordinance compliance by agencies, departments, boards and commissions. These complaints show that there continues to be a lack of awareness of Sunshine Ordinance requirements and the need for the Task Force to look for ways to educate city departments. Many complaints were resolved by the Clerk of the Task Force and the Deputy City Attorney



## **Draft Annual Report of the SOTF, 1997 - 1998 --P. 2**

dealing directly with city departments. In addition, the Task Force held a number of hearings on complaints that offered an opportunity to educate city departments about for example, open meeting requirements and meeting minutes.

In addition, this year, in several cases, hearings or complaints led the Task Force to look into broader policy issues such as the extent of accountability over advisory groups and "friends of" groups. The Task Force heard a complaint about denial of access to records of the Mayor's Fiscal Advisory Committee, an advisory committee that was disbanded and reconfigured as an independent body called the Municipal Fiscal Advisory Committee that received no funding or staffing from the city. The hearings raised questions about records retention and disclosure policies and whether advisory bodies are subject to open meeting, passive meeting (meetings must be noticed) or no requirements.

The hearings also led the Task Force to investigate what constitutes an advisory body for purposes of the Sunshine Ordinance and the Brown Act. The investigation showed that the Sunshine Ordinance covers bodies created by statute or in writing. However, it appears difficult to impose open government requirements on more informal advisory committees or "friends of" groups no matter the extent of their influence over the policies or expenditures of city government and specific agencies, boards or commissions. The Task Force also found that very little information exists these groups and authorized a survey of city departments that have "friends of" groups or receive support from other private agencies. The Task Force also discussed a policy issue raised in public comment regarding the timely disclosure of terms and conditions of legal settlements. The Task Force learned that the City does not consider a settlement to be final action subject to disclosure requirements until the Board of Supervisors acts on it and it is signed by the Mayor.

The Task Force also reviewed several proposals before the Board of Supervisors to amend the Sunshine Ordinance. The Rules Committee held hearings on a proposal by Supervisor Ammiano to allow access to the names of scorers and their ratings papers for competitively bid contracts. The Task Force raised concerns about a Sunshine Ordinance exemption passed by the Board that permits a committee to meet in closed session to review the performance of, and set performance goals for, certain city managers.

By far, the most noteworthy effort taken up by the Board of Supervisors was a proposal by Supervisor Ammiano to extend aspects of sunshine to non-profit organizations that contract with the city to provide certain, primarily social services. Supervisor Ammiano was concerned the public lacked information about how public money was being spent on these services because they were being provided by these non-profits and not city agencies. Task Force members Planthold and Graffis participated in an ad-hoc task force who provided recommendations to the Board of Supervisors to improve public accountability of these organizations in their provision services to the City by providing some access to records, requiring non-profit board meeting agendas be made public and allowing public comment at board meetings. The legislative proposals were very controversial and the Board ultimately passed slimmed-down legislation.





### **Draft Annual Report of the SOTF, 1997 - 1998 --P. 3**

The Task Force continued its educational efforts, although it was hampered by a lack of resources. This was apparent early in the year when the Task Force decided to postpone planning work for a Sunshine forum intended to be a major educational effort given the work needed to prepare the agenda and materials and to encourage attendance. However, the Task Force discussed uniform agenda guidelines on several occasions and representatives met with the Commission Secretaries to discuss this. The Task Force also learned about new computer systems being developed to allow easier access to information about the activities of the Board of Supervisors. The Task Force encouraged greater use of electronic means to enhance access to the workings of City agencies, departments, boards and commissions.

This year, the task force itself underwent many changes. The Task Force experienced a large turnover in membership (only 4 members of the task force who were on the Task Force as of May 1997 remained on the Task Force at by the end of the year in April 1998). Given the appointment process, the Task Force functioned with bare quorum for several months. There were also changes in officers. The task force now has assigned to it a new Clerk and a new Deputy City Attorney who devote a great deal of time to the Task Force in addition to their other duties. The Task Force has had to console itself about the impending retirement of Mr. John Taylor, Clerk of the Board of Supervisors, who has been very helpful to the Task Force since it came into existence.

As in prior years, the task force continued to struggle with the limited staff time provided to the Task Force, little or no office resources and reliance on the time of volunteer members with full time work and other commitments. For example, the Task Force has no budget for copying materials and has had difficulty in securing on a regular basis equipment to tape record meetings. The Task Force has approached the Ethics Commission about providing administrative support and those discussions continue.



## SUNSHINE ORDINANCE TASK FORCE

Tel: 415 554-7724  
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City Hall, Room 409  
1 Dr. Carlton B. Goodlett Place  
San Francisco 94102-4689

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Annual Report  
Sunshine Ordinance Task Force (SOTF)  
2000

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In the Fall 1999 General Election in San Francisco, the voters overwhelmingly passed Proposition "G" The Sunshine Initiative. Though Prop "G" became effective January 1, 2000, the Sunshine Ordinance Task Force could not meet until May 2000 because of conflicts in overlapping terms of office from those appointed under the old Sunshine Ordinance. During this interim, all those interested in serving on the new Sunshine Ordinance Task Force had to (re)-apply for a designated seat.

Sunshine work progressed through both the person hired to fill the newly-created position of Administrator and through the City Attorney, as counsel assigned to the Sunshine Ordinance Task Force. The Administrator for the SOTF set up a separate office, transferred files from the Office of Administrative Services, and informed city departments and staff of the changes in contact information. Prior to the first meeting of the newly-reconstituted SOTF, concerns and complaints were addressed by the Administrator and by the City Attorney counsel, using then-existing procedures developed under the old ordinance.

Separately, the Office of the City Attorney developed two parallel sets of trainings on understanding and implementing the new Sunshine Initiative:

- \*one for Department Heads, with special emphasis on addressing requests for public information; and

- \*one for public bodies subject to the Sunshine Initiative's jurisdiction, with an emphasis on attendance at and use of the right of "public comment" at these public meetings. Some Sunshine Ordinance Task Force members and new applicants attended one or both of these types of trainings.

The newly-reconstituted Sunshine Ordinance Task Force's first meeting in May 2000 began a process of formalizing and revising procedures. Over the summer, the SOTF approved a revised and expanded set of by-laws, a list of annual responsibilities, and developed our first committee structure. The SOTF authorized three standing committees:

- Rules Committee
- Public Education & Information Committee
- Complaint Committee

and approved special committees as needed.

In compliance with new requirements established by the Sunshine Initiative, the Sunshine Ordinance Task Force heard an initial report from two city officials:

- \*from the City Administrator on the progress of developing an index of public records. For this, staff began developing a template of questions, criteria, and desired information to assist in this process.

- \*from the Supervisor of Public Records (by terms of the Sunshine Initiative, the City Attorney) for public records petitions, commencing with the effective date of January 1, 2000.



Finally, the SOTF started implementing a committee procedure for having, when possible, an issue surface through a committee for analysis and exploration before coming to the full SOTF for action. As is the case with any newly-developing organism, the SOTF is still refining its understanding of the Initiative and how to fairly and properly implement Sunshine.

Approved by Sunshine Ordinance Task Force November 28, 2000

Task Force Members:

Judy Appel  
Hilda Bernstein, Chair  
Bruce Brugmann  
Sue Cauthen  
Vince Courtney  
Daniel Guillory  
Paul Hogan, Vice Chair  
Ted Kowalczyk  
Marie-Lorraine Mallare  
Bob Planthold  
Tuesday Ray  
Gloria Young, ex-officio



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01

(Annual Report)  
A REPORT TO BOARD OF SUPERVISORS

DECEMBER 2001

CITY/COUNTY OF SAN FRANCISCO  
SUNSHINE ORDINANCE TASK FORCE

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I. PURPOSE/BACKGROUND

The essential rationale for the existence of the Sunshine Ordinance and its Task Force is to assure open government and maximum public participation in governance.

The Sunshine Ordinance first passed by the San Francisco Board of Supervisors in 1993 created a task force to advise the Board of Supervisors on matters related to the implementation of the Sunshine Ordinance. Though the Sunshine Initiative enacted by the voters in November 1999, effective January 1, 2000, significantly expanded the responsibilities of the Task Force, it reduced the number of members from 13 to 11, causing the Board of Supervisors to reconstitute the Task Force in April 2000. The Task Force met for the first time under the new ordinance in May 2000.

Non-Profit organizations, which receive \$250,000 or more of City funds are subject to the provisions of the Sunshine Ordinance. 12L requires at least two Board meetings per year to be open to the public, and the public must be allowed to address the Board; non-profits are required to make a good-faith effort to include on their Boards at least one member of the community served by the non-profit. See Section VII, Addenda #1 for a copy of Chapter 12 L.

II. MEMBERSHIP

Officers of the Task Force

Hilda Bernstein serves as Chair  
Bob Planthold serves as Vice-Chair

The Task Force has 11 seats, four of which are dedicated: The Society of Professional Journalists has one seat for an attorney and one for a member of the media; the League of Women Voters has a seat, as does the New California Media. The other members must have demonstrated consumer involvement or community activism. The Ordinance requires that there be a handicapped person on the Task Force. Members are appointed by the Board of Supervisors for two-year terms. There are two ex-officio members—one appointed by the Mayor and the other by the Clerk of the Board





The current gender breakdown of the Task Force is four females and seven males.

The current ethnic breakdown of the Task Force is three African-Americans, one Mexican-American, and six Caucasian. At least one person with a physical disability is required by the Sunshine Ordinance to be a member of the Task Force. See Section VII, Addenda #2 for a membership listing.

### III. ORGANIZATION & COMMITTEE STRUCTURE

The Task Force was reorganized in May 2000 around three activities:

- (1) Education of City/County staff to assure compliance with their obligations;
- (2) Outreach and public education to assure knowledge regarding the public's right to access to records and participation in the public decision-making process;
- (3) Enforcement of public access and participation laws.

To that end it was decided that an organizational structure around committees would (and has) facilitated the work of the Task Force:

- (1) A Rules Committee was established to develop by-laws-procedures so the Task Force's work could proceed in an orderly way. As with all committees, recommendations for action are made to the full Task Force for final action. See Section VII, Addenda # 3 for a copy of the Bylaws.
- (2) Public Education and Information: Unless the public is aware of its rights to access to information and participation, the value of the ordinance would be minimal. Therefore, a Public Information and Education Committee was created whose purpose is what its name says. To that end the Task Force has:
  - published and distributed a Task Force brochure published in English, Spanish, Vietnamese, and Chinese;
  - issued press releases regarding the activities of the Task Force;
  - conducted educational and information sessions to community groups throughout the City;
  - Prepared a web page with full information on the Sunshine Ordinance Task Force. See Section VII, Addenda # 9 for information on the Sunshine Ordinance Task Force web page. Community members may now directly, through email or the web, contact the Sunshine Ordinance Task Force Office requesting information or filing a complaint. See Section VII, Addenda # 4 for a copy of the complaint form.



- Met with four sets of international visiting dignitaries from
  - Indonesia
  - Brazil
  - Russia
  - Zimbabwe

This year the Task Force appointed a community volunteer to assist the Task Force with public outreach.

- (3) **Complaint Committee:** The third committee is the Complaint Committee, which might be said to be the heart of the Task Force. If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee to determine jurisdiction. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will be invited to state their respective cases and to answer questions put by members of the Task Force, following which an Order of Determination will be issued.

From the complaints received from community members, the Task Force issued Orders of Determination to two city departments, two non-profit agencies, and two commissions. See Section VII, Addenda # 5 for Complaint Log.

The Chair of the Task Force then appoints committee chairs as well as its members. Each member of the Task Force must also be a member of a committee.

Ad hoc committees were appointed as needed. There were ad hoc committees to deal with email and conflict of interest.

#### **IV. JOB DESCRIPTION & ACTIVITIES OF ADMINISTRATOR**

The Clerk of the Board of Supervisors is required to provide a full-time staff person to perform administrative duties for the Task Force and to assist any person in gaining access to public meetings or public information.

The Administrator for the Task Force is Donna Hall.

The Administrator for the Task Force receives and answers questions regarding the Sunshine Ordinance and questions regarding the filing of complaints before the Task Force. The majority of questions to the Task Force Office regarding public records and the filing of complaints are handled at the Task Force Office. Those that cannot be resolved are forwarded to the Complaint Committee and then to the Task Force.

This year there have been 300+ informational calls and emails to the Sunshine Ordinance Task Force Office from community persons



requesting assistance in obtaining public records. See Section VII, Addenda # 6 for listing of departments that community persons called regarding obtaining public records.

#### V. ROLE & ACTIVITIES OF DEPUTY CITY ATTORNEY

The City Attorney's Office advises the Task Force. The Sunshine Ordinance requires that the attorney assigned to the Task Force be experienced in public-access law matters. The Ordinance also requires the deputy city attorney assigned to the Task Force serve solely as a legal advisor and advocate to the Task Force, and that an ethical wall be maintained between the work of this attorney and any person or office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.

Annual training is provided by the City Attorney's Office, with the assistance of the Sunshine Ordinance Task Force, to all City department heads and all City management employees and all employees or officials who are required to sign an affidavit of financial interest with the Ethics Commission.

For 2001, the San Francisco City Attorney's Office developed three sunshine training booklets: 1) Sunshine Ordinance Training for Elected Officials, Department Heads and City Employees, 2) Sunshine Ordinance Training for San Francisco Public Officials and 3) Sunshine Ordinance Training for the San Francisco Board of Supervisors. In addition, the City Attorney's Office updated and reissued "*An Overview of the Laws Governing the Conduct of Public Officials*," a book which includes an overview of conflicts of interest, financial disclosure, governmental ethics and the sunshine laws.

Throughout 2001, the San Francisco City Attorney's Office provided Sunshine Training to boards, commissions, task forces, other policy bodies, and elected officials. Jacqueline Minor, Dorji Roberts, Paul Zarefsky and Edward Olsen, deputy city attorneys assigned to the Government team, provided training to elected officials, department heads, their staffs and San Francisco boards and commissions. In addition, deputy city attorneys assigned to boards and commissions provided training or answered questions as the need arose. During 2001, six hundred and four (604) officials submitted the required Sunshine Declarations to the San Francisco Ethics Commission.

The legal advisor to the Task Force is Deputy City Attorney Ernest Lorente.



## VI. SUMMARY

During 2001 the Task Force became more of a cohesive body. Several new members were appointed who brought with them skills and expertise such as knowledge of heretofore under-served communities, as well as access to minority media and knowledge of the law. The vast majority of concerns made by the public were resolved prior to the filing of a formal complaint. This may be one result of the training of City/County personnel by Deputy City Attorney Jacqueline Minor, as well as a more knowledgeable public regarding their right to know and to participate.

There have been some amendments to rules and by-laws; most recently changes to the complaint process. See Section VII, Addenda # 8.

It is expected that the Task Force will do more of the same in 2002. It is hoped that with on-going staff training and continuing outreach and education to the public there will be fewer and fewer complaint hearings.

See listing of accomplishments by the Task Force in Section VII, Addenda # 10.

## VII. ADDENDA

1. Chapter 12L, Non-Profit Public Access Ordinance provisions
2. Membership of Task Force
  - Current membership listing
  - Attendance sheet of Task Force meetings
3. By-Laws, Sunshine Ordinance Task Force
4. Complaint Form
5. Complaint Log for 2001
6. Community Requests for Information
7. Recent changes to the Complaint Procedures of the Task Force
8. Sunshine Ordinance Task Force Web Page
9. Accomplishments





**Non Profit Public Access Ordinance**  
**Chapter 12L of the San Francisco Administrative Code**

**1. Which Non-Profits Are Covered?**

The Chapter 12L applies to non-profits that receive at least \$250,000 per year in funding provided by or through the City.

**2. What Are Covered Non-Profits Required To Do?**

**a. Open Board Meetings**

- At least 2 Board meetings per year must be open
- Members of the public who attend must be allowed to address the Board
- At least 30 days before the public Board meeting, the nonprofit must send written notice of the meeting date, time and location to the Clerk of the Board of Supervisors for posting.
- Upon request, a member of the public must be told the time, date and place of the open Board meeting.

**Note:** Open meeting requirements do not apply to non-profits engaged primarily in abortion counseling, abortion services, domestic violence sheltering or suicide prevention. The portion of any non-profits' Board meeting wherein client or donor confidential information is being discussed may be closed to the public.

**b. Public Access to Financial Records**

The public is entitled upon request to inspect and copy:

1. Most recent budget
2. Most recent tax return
3. Financial audits or performance evaluation completed in the last two years by or for the City, so long as the City has not designated them as confidential

**Note:** The public may inspect these documents during the organizations' regular business hours and receive copies. The nonprofit may charge 10 cents per page for copying.

**c. Community Representation on the Board**

Non-profits are required to make a good faith effort to include on its Board at least one member of the community served by the nonprofit. The nonprofit is required to give public notice of Board vacancies, allow members of the public to nominate themselves for Board membership and allow the public to comment on Board membership

**3. Enforcement**

The ordinance provides for a three stage dispute resolution process if a complaint is filed by a member of the public (review and recommendation by the contracting City department, review by the Sunshine Ordinance Task Force and review and recommended resolution by the Board of Supervisors). If there are material breaches in compliance by the nonprofit, the contracting department is authorized, but not required to terminate or decline to renew the contract.



**SUNSHINE ORDINANCE TASK FORCE  
MEMBERS  
2001**

Seat 1	Joshua Koltun Term expires 4/02 District 3	Submitted by the local chapter of the Society of Professional Journalists and be an attorney
Seat 2	Bruce Brugmann Term expires 4/02 District 7	Submitted by the local chapter of the Society of Professional Journalists and be a journalist
Seat 3	Vince Courtney Term expires 4/02 District 6	Member of the press or electronic media with an interest in citizen access
Seat 4	Marie Harrison Term expires 4/03 District 10	Appointed from names by New California Media; be a journalist from a racial/ethnic-minority-owned news organization
Seat 5	Heather Sterner Term expires 4/02 District 2	Submitted by the League of Women Voters
Seat 6	Hilda Bernstein Term expires 4/02 District 9	Experienced in consumer advocacy
Seat 7	Ted Kowalczyk Term expires 4/02 District 10	Experienced in consumer advocacy
Seat 8	Robert Planthold Term expires 4/02 District 8	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
Seat 9	Daniel Guillory Term expires 4/02 District 9	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
Seat 10	Paul Hogan Term expires 4/02 District 1	Demonstrated interest in or has experience in the issues of citizen access and participation in local government



## ADDENDA # 2

Seat 11	Marjorie Ann Williams Term expires 4/03 District 3	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
	Vacant	Clerk of the Board or her designee (non-voting)
	Hala Hijazi	Mayor or his designee (non-voting)









## **By-Laws**

### **Sunshine Ordinance Task Force City and County of San Francisco**

#### **Article I – Name and Purpose**

##### **Section 1. Name**

The name of this Task Force shall be the Sunshine Ordinance Task Force.

##### **Section 2. Purpose**

The Sunshine Ordinance Task Force is established by Chapter 67 of the San Francisco Administrative Code. The Task Force shall protect the public's interest in open government and shall carry out the duties enumerated in Chapter 67 of the San Francisco Administrative Code.

#### **Article II – Officers**

##### **Section 1. Officers**

The Officers of this Task Force shall be a Chair and a Vice Chair.

##### **Section 2. Terms of Office**

The Officers shall hold offices for one year and until their successors are elected.

##### **Section 3. Election of Officers**

The Officers shall be elected at the first regular meeting of the Task Force held on or before July 1 of each year, or at a subsequent meeting, the date of which shall be fixed by the Task Force at the first regular meeting on or after July 1 of each year. If any Task Force office becomes vacant, that office shall be filled at the first meeting after the vacancy occurs.

#### **Article III – Duties of Officers**

##### **Section 1. Duties of the Chair**

The Chair shall preside at all meetings of the Task Force. The Chair, working with members of the Task Force and the staff, shall oversee the preparation and distribution of the agenda for the Task Force meetings. The Chair shall appoint all Committees and their chairs and shall perform all other duties as prescribed by the Task Force or by the By-Laws which are necessary or incident to the office. The Chair of the Task Force shall encourage Task Force members to participate on committees and shall ensure broad and diverse representation of Task Force members on all committees.

##### **Section 2. Duties of the Vice Chair**

In the event of the absence, or inability of the Chair to act, the Vice Chair shall preside at the meetings and perform the duties of the Chair. In the event of the absence of the Chair and the Vice Chair, the remaining Task Force members shall appoint one of the members to act temporarily as Chair.



## Article IV – Meetings

### Section 1. Regular Meetings

Regular meetings of the Task Force shall be held on the fourth Tuesday of the month at 4:00 p.m. at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, San Francisco, California.

### Section 2. Special Meetings

The Chair or a majority of the members of the Task Force may call special meetings.

### Section 3. Notice of Meetings

The agendas of all regular meetings and notices and agendas of all special meetings shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center and the office of the Task Force. Agendas and notices shall be mailed to each Task Force member and any person who files a written request for such notice with the Task Force.

### Section 4. Cancellation of Meetings

The Chair may cancel a meeting if she or he is informed by the Task Force Administrator that a quorum of the body will not be present or if the meeting date conflicts with a holiday or other responsibilities of the Task Force members. Notices of cancellation shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center, and the office of the Task Force. If time permits, notices of meeting cancellations shall be mailed to all members of the public who have requested, in writing, to receive notices and agendas of Task Force meetings.

### Section 5. Conduct of Meetings

(a) All Task Force meetings shall be conducted in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the Task Force's By-laws. Except where state or local laws or other rules provide to the contrary, meetings shall be governed by Robert's Rules of Order.

(b) Subject to the availability of funds, the Task Force shall comply with the provisions of the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) that apply to Charter boards and commissions.

(c) When a member of the Task Force desires to address the Task Force, she or he shall seek recognition by addressing the Chair, and when recognized, shall proceed to speak. The member shall confine her or his comments or remarks to the question before the Task Force.

(d) Cell phones and pagers shall be turned off during meetings of the Task Force. The Chair may issue a warning to any member of the public whose pager or cell phone disrupts the Task Force meeting. In the event of repeated disruptions caused by pagers and cell phones, the Chair shall direct the offending member of the public to leave the meeting.



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(b) Subject to the availability of funds, the Task Force shall comply with the provisions of the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) that apply to Charter boards and commissions.

(c) When a member of the Task Force desires to address the Task Force, she or he shall seek recognition by addressing the Chair, and when recognized, shall proceed to speak. The member shall confine her or his comments or remarks to the question before the Task Force.

(d) Cell phones and pagers shall be turned off during meetings of the Task Force. The Chair may issue a warning to any member of the public whose pager or cell phone *disrupts* the Task Force meeting. In the event of repeated disruptions caused by pagers and cell phones, the Chair shall direct the offending member of the public to leave the meeting.



## **ADDENDA # 3**

### **Section 6. Setting Agendas**

The Task Force Administrator, at the direction of the Chair, shall prepare the agenda for meetings. The agenda for all regular meetings shall contain an item during which Task Force members may request items for the Task Force to consider at future meetings.

### **Section 7. Action at a Meeting; Quorum and Required Vote**

The presence of a majority of the members (six members) of the Task Force shall constitute a quorum for all purposes. The affirmative vote of a majority of the members of the Task Force (six votes) shall be required for the approval of all substantive matters. Procedural motions require an affirmative vote of a majority of the members present. If a quorum is not present, no official action may be taken, except roll call and adjournment.

### **Section 8. Voting and Abstention**

Task Force members must be present to vote and participate. Teleconference participation is not permitted. Each member present at a Task Force meeting shall vote "Yes" or "No" when a question is put, unless the member is excused from voting on a matter by a motion adopted by a majority of the members present or the member has a conflict of interest that legally precludes participation in the discussion and vote.

The Task Force shall take action on items on the agenda by roll call, voice vote or by show of hands. The minutes shall reflect how each Task Force member voted on each item.

### **Section 9. Order of Business**

The order of business at Task Force meetings shall be:

1. Call to order
2. Roll call
3. Approval of meeting minutes
4. Report of the Chair
5. Report of the Task Force Administrator
6. Report of the Standing Committees
7. Action Items
8. Future Agenda Items
9. Public Comment
10. Adjournment

The order of items on the agenda may be changed by action of the Task Force at any meeting. Public comment shall be specially set as the first new item considered after 5:00 p.m.

### **Section 10. Public Comment**

The Task Force and all committees of the Task Force shall hold meetings open to the public in full compliance with state and local laws. The Task Force encourages the participation of all interested persons. Members of the public may address the Task Force on any matter within the subject matter jurisdiction of the Task Force for up to three minutes during public comment. The Chair may limit the time permitted for public comment consistent with state and local laws.

### **Section 11. Public Testimony**





## ADDENDA # 3

The Task Force and all committees of the Task Force shall hold meetings open to the public in full compliance with state and local laws. The Task Force encourages the participation of all interested persons. Members of the public may comment on every item on the Task Force agenda. Each person wishing to speak on an item before the Task Force shall be permitted to be heard once for up to three minutes.

### Article V -- Task Force Records

#### Section 1. Minutes

Minutes shall be taken at every regular and special Task Force meeting and shall comply with the provisions of the San Francisco Sunshine Ordinance, including the provisions that apply to Charter boards and commissions. (See, San Francisco Administrative Code, Chapter 67.16) Minutes shall be approved by the majority vote of the Task Force.

#### Section 2. Public Review File

The Task Force shall maintain a public review file in compliance with the San Francisco Sunshine Ordinance. (See, San Francisco Administrative Code, Section 67.23.)

#### Section 3. Records Retention Policy

The Task Force shall prepare, maintain and adopt a records retention and destruction policy as provided in Section 8.3 of the San Francisco Administrative Code.

#### Section 4. Tape Recordings

The Task Force shall audio record all regular and special meetings of the Task Force. The audio recordings shall be maintained in accordance with the San Francisco Sunshine Ordinance. (See, San Francisco Administrative Code, Section 67.14(b).)

### Article VI -- Committees

#### Section 1. Standing Committees

Upon approval by a majority of the members of the Task Force, the Task Force may form standing committees to advise the Task Force on its on-going functions. The standing committees shall be composed of members of the Task Force. Unless specified otherwise by the Task Force, the Chair of the Task Force shall name the Chair of the Standing Committees and its members. The Chair of the Task Force shall encourage Task Force members to participate on committees and shall ensure broad and diverse representation of Task Force members on all committees.

The Task Force shall establish the following Standing Committees: Rules, Public Education and Information and Complaints.

##### (a) Rules Committee

The Rules Committee shall review matters related to amendments to the Task Force by-laws and procedures for Task Force meetings and shall assist the Chair of the Task Force to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by the Task Force.



## **ADDENDA # 3**

### **(b) Public Education and Information Committee**

The Public Education and Information Committee shall make recommendations to the Task Force regarding outreach and publicity to the media and to the general public about the Sunshine Ordinance and the Task Force.

### **(c) Complaint Committee**

The Complaint Committee shall monitor the complaint process and make recommendations to the Task Force regarding how the complaints should be handled.

## **Section 2. Special or Ad Hoc Committees**

Upon approval by a majority of the members of the Task Force, the Task Force may form special or ad hoc committees. Special committees shall be formed for a specific purpose and cease to exist after completion of a designated task. Special committees may be composed of members of the Task Force.

## **Article VII – Attendance**

Members of the Task Force shall notify the Task Force Administrator if she or he is unable to attend a regular or special meeting of the Task Force. If a member of the Task Force misses more than three regular meetings in any twelve-month period of time, the Task Force may notify the Board of Supervisors and request that action be taken to remove the member from the Task Force. The Administrator of the Sunshine Ordinance Task Force shall notify any member who misses two meetings in any twelve month period of time that if the third absence occurs, the Task Force may notify the Board of Supervisors of the member's lack of attendance.

## **Article VIII - Amendment of By Laws**

The By Laws of the Task Force may be amended by a vote of a majority of the members of the Task Force after presentation of the proposed amendments as an agenda item at a meeting of the Task Force. The Task Force shall give ten days notice before considering any amendments to its by laws.

Adopted 8/22/00





Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco CA 94102

Tel. (415) 554-7724; Fax (415) 554-7854

<http://www.ci.sf.ca.us/bdsprvs/sunshine.htm>

Date:

To:

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Donna L. Hall, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters which cannot be adequately resolved, or matters which involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Wednesday of each month at 4:00 p.m. at City Hall, Room 408.

Donna L. Hall, Administrator





SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 409 , San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.ci.sf.ca.us/bdsvpr/sunshine.htm>

## SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission \_\_\_\_\_  
Name of individual contacted at Department or Commission \_\_\_\_\_

Alleged Violation Public records access \_\_\_\_\_  
Public meeting \_\_\_\_\_ Date of meeting \_\_\_\_\_

Sunshine Ordinance Section \_\_\_\_\_  
(If known, please cite specific provision being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Do you wish a public hearing before the Sunshine Ordinance Task Force? \_\_\_\_yes \_\_\_\_no.

(Optional)  
Your name \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_

Telephone \_\_\_\_\_ If anonymous, please let us know how to contact you. Thank  
you.





# ADDENDA # 5

Complaint Log 2001

Date Received	Complainant	Department	Status
1/9/01	Stan Miller	Recreation & Park Department	Sent to Recreation & Park Dept for response. Adm contacted Mr. Miller Mr. Miller working with Recreation & Park Dept for records. Mr. Miller to let TF know if he wishes to proceed. Closed
4/20/01	Dawn Clements	City Attorney	6/26/01 Task Force voted no jurisdiction. Order of Determination 6/26/01
5/1/01	Mission Girls Services Committee of Management	YWCA of SF	On Task Force agenda for 11/27/01. Order of Determination 11/27/01.
5/2/01	SEIU Local 790 & The Committee to Save Our Services	Public Health	7/24/01 Task Force voted BHPF is not in compliance with Section 12L; urged DPH to take action to bring Foundation into compliance. Order of Determination 7/24/01
5/22/01	Dawn Clements	City Attorney	6/26/01 Task Force voted no jurisdiction. Order of Determination 6/26/01
6/26/01	Scott Trammell Moore	Task Force Member	7/24/01 Chair forwarded to Ethics Commission. Closed
8/10/01	Jerry McDonald	Planning Department	Order of Determination 10/23/01; Order of Determination restatement before the Task Force 11/27/02
9/19/01	David Parker	Delinquency Prevention Council	Order of Determination 10/23/01.
9/24/01	Bob Planthold	Planning Commission	Complaint Committee recommended public hearing before Task Force 12/18/01; Order of Determination 12/18/01



## ADDENDA # 6

### COMMUNITY REQUESTS FOR INFORMATION

Community persons contacted the Sunshine Ordinance Task Force Office for information on obtaining information from the following departments:

- Airport Commission
- Animal Control & Welfare Commission
- Building Inspection Department
- Civil Service Commission
- Delinquency Prevention Task Force
- Elections Department
- Health & Human Services Department
- Housing Authority
- Human Resources Commission
- Human Resources Department
- Library Commission
- Mayor's Office of Disability
- Planning Commission
- Planning Department
- Police Commission/Department
- Port Authority
- Public Utilities Commission
- Recreation & Park Department
- Tax Collector
- Taxi Commission
- Treasurer
- War Memorial & Performing Arts



## ADDENDA # 7

### COMPLAINT PROCEDURES AMENDMENT DECEMBER 18, 2001

Upon filing a complaint, the Complainant shall receive a condensed checklist of procedural requirements for the complaint process (jurisdictional hearing information, documentation deadlines, etc.). The responding City department will also receive written notice of the complaint with a similar checklist of procedures.

Should jurisdiction be found at the jurisdictional hearing before the Complaint Committee, the Complainant and Respondent will receive a written notice of the specific issues that will be before the full Task Force for a hearing. They will also be advised that they should submit any documentary evidence no later than seven days before the hearing.

No documents submitted fewer than seven days before the hearing will be considered by the Task Force. At the hearing before the Task Force, should the Complainant attempt to submit additional documentation, he or she will be given the following options:

1. The Complainant may proceed with the hearing without the Task Force considering the additional documentation;
2. If the additional documentation supports one of the issues in the complaint before the Task Force, the Complainant may waive his or her right to a hearing within 45 days and ask for the hearing to be continued; or
3. If the additional documentation raises a new issue or issues; the complainant may choose one of the following:
  - a. Proceed with the hearing and file a new complaint on the additional issue(s); or
  - b. Withdraw and amend the complaint to include the new issue(s)



## ADDENDA # 7

### Filing a Complaint with the Sunshine Ordinance Task Force

1. You may fill out a Complaint Form, or you may send your own letter filing a formal complaint. The complaint is filed with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 409, San Francisco CA 94102-4689. (Fax # 415 554 7854)
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
  - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
  - If the complainant submits any additional material after the seven day deadline, the complainant will be informed that
    - The Task Force may proceed without considering the new material, or
    - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
    - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
    - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Donna Hall, (415) 554 7724.





## ADDENDA # 8

### WEB

The Sunshine Ordinance Task Force has a web page that is being accessed by over 3,000 persons per month. The web page consists of:

- Current agendas and minutes
- Past years' agendas and minutes
- Public records listing and retention schedule
- How to file a complaint with the Task Force
- Frequently asked questions
- Duties and responsibilities of the Task Force
- Information on:
  - The Sunshine Ordinance
  - Membership
  - Committee structure



## ADDENDA # 9

### ACCOMPLISHMENTS SUNSHINE ORDINANCE TASK FORCE

2000-2001

Regular meetings held every month with reports from Standing Committees of work accomplished for the Task Force

Public hearings held before the Task Force for citizens having difficulty with public records and concerns regarding public meetings

Special meetings held regarding to take care of extra public hearing and for training of members

Standing Committees formed for smooth flow of work of the Task Force --

Ad hoc committees formed to deal with special interest topics that affect all City departments, i.e., email and conflict of interest

Adoption of a Complaint Procedure for citizens to follow

Community neighborhood meetings attended to submit information regarding the Sunshine Ordinance

Community Liaison Volunteer person appointed to assist the Public Education & Information Committee in the dissemination of materials and education of the community on the Sunshine Ordinance

Brochures printed in four languages explaining the Task Force

Meetings held with four international groups regarding San Francisco's Sunshine Ordinance

Web site developed for community persons to connect into for information on the Sunshine Ordinance and the Sunshine Ordinance Task Force

Procedures set up for over 300 calls taken care of for helping community persons with public records requests.





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Board of Supervisors

Sunshine Ordinance Task Force

Annual Report 2002



## A Report to Board of Supervisors Annual Report 2002

### CITY/COUNTY OF SAN FRANCISCO SUNSHINE ORDINANCE TASK FORCE

DOCUMENTS DEPT

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#### I. Purpose/Background

The essential rationale for the existence of the Sunshine Ordinance and its Task Force is to assure open government and maximum public participation in governance.

- The San Francisco Board of Supervisors first passed the Sunshine Ordinance in 1993 creating a task force to advise the Board of Supervisors on matters related to the implementation of the Sunshine Ordinance.
- The Sunshine Initiative enacted by the voters in November 1999, effective January 1, 2000, significantly expanded the responsibilities of the Task Force. It also reduced the number of members from 13 to 11, causing the Board of Supervisors to reconstitute the Task Force in April 2000.
- The Task Force met for the first time under the new ordinance in May 2000.
- Non-Profit organizations, which receive \$250,000 or more of City funds are subject to the provisions of the Sunshine Ordinance. Administrative Code 12L requires at least two board meetings per year to be open to the public, and the public must be allowed to address the board. Non-profits are required to make a good-faith effort to include on their boards at least one member of the community served by the non-profit. See Section VII, Addenda #1 for a copy of Administrative Code 12L.

#### II. MEMBERSHIP

##### Officers of the Task Force

Joshua Koltun served as Chair Garrett  
Jenkins served as Vice-Chair

The Task Force has 11 seats, four of which are dedicated:

- The Society of Professional Journalists has one seat for an attorney and

one for a member of the media.

- The League of Women Voters has one seat.
- The New California Media has one seat.
- The other members must have demonstrated consumer involvement or community activism.
- At least one person with a physical disability is required by the Sunshine Ordinance to be a member of the Task Force.
- Members are appointed by the Board of Supervisors for two-year terms.
- There are two ex-officio members-one appointed by the Mayor and the other by the Clerk of the Board.
- This year the Task Force voted to add a youth member to sit with the Task Force.
- The gender breakdown of the Task Force for 2002 was five females and six males.
- The ethnic breakdown of the Task Force for 2002 was three African-Americans and eight Caucasians.
- See Section VII, Addenda #2 for a membership listing.

### III. ORGANIZATION & COMMITTEE STRUCTURE

(See Section VII, Addenda #3 for a copy of the By-Laws)

The Task Force was reorganized in May 2000 around three activities:

1. Education of City/County staff to assure compliance with their obligations;
2. Outreach and public education to assure knowledge regarding the public's right to access to records and participation in the public decision-making process;
3. Enforcement of public access and participation laws.

To that end it was decided that an organizational structure around committees would (and has) facilitated the work of the Task Force:

1. A Rules Committee was established to develop by-laws-procedures so the Task Force's work could proceed in an orderly way. As with all committees, recommendations for action are made to the full Task Force for final action.
2. Public Education and Information: Unless the public is aware of its rights to access to information and participation, the value of the ordinance would be minimal. Therefore, a Public Information and Education Committee was created whose purpose is what its name says. To that end the Task Force has:
  - appointed a community volunteer to assist the Task Force with public outreach;
  - published and distributed a Task Force brochure published in English, Spanish, Vietnamese, and Chinese;
  - conducted educational and information sessions to community groups throughout the City;
  - prepared a web page with full information on the Sunshine Ordinance Task Force. See Section VII, Addenda #6 for information on the Sunshine Ordinance Task Force web page. Community members may now directly, through email or the web, contact the Sunshine Ordinance Task Force Office requesting information or filing a complaint.
  - In 2002 the Chair of the Task Force met international visiting dignitaries from

- Japan
- South Korea (two separate visits)
- Macedonia
- Bulgaria
- Indonesia

3. **Complaint Committee:** The third committee is the Complaint Committee, which might be said to be the heart of the Task Force. If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee to determine jurisdiction. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will be invited to state their respective cases and to answer questions put by members of the Task Force, following which an Order of Determination will be issued. See Section VII, *Addenda #4* for a copy of the complaint form.

From the complaints received from community members, the Task Force issued Orders of Determination to ten city departments and three commissions. See Section VII, *Addenda #5* for Complaint Log.

4. **Compliance & Amendments Committee:** This Committee was appointed in 2002. The Compliance & Amendments Committee's charge is to

- thoroughly review the Orders of Determination adopted by the Task Force, and when appropriate, schedule public hearings to ensure their prompt and satisfactory compliance;
- consider and make recommendations to the Task Force from staff and community members regarding amendments to the Sunshine Ordinance.

The Chair of the Task Force appoints committee chairs as well as its members. Each member of the Task Force must also be a member of a committee. Ad hoc committees are appointed as needed. There have been ad hoc committees to deal with email; conflict of interest; and proposed amendments to the Sunshine Ordinance.

#### IV. JOB DESCRIPTION & ACTIVITIES OF ADMINISTRATOR

The Clerk of the Board of Supervisors is required to provide a full-time staff person to perform administrative duties for the Task Force and to assist any person in gaining access to public meetings or public information.

The Administrator for the Task Force is Donna Hall.

The Administrator for the Task Force receives and answers questions regarding the Sunshine Ordinance and questions regarding the filing of complaints before the Task Force. The majority of questions to the Task Force Office regarding public records and the filing of complaints are handled at the Task Force Office. Those that cannot be resolved are forwarded to the Complaint Committee and then to the Task Force.

This year there were 1100+ informational calls and emails to the Sunshine Ordinance Task Force Office from community persons requesting assistance in obtaining

public records from a variety of City/County Departments.

## V. ROLE & ACTIVITIES OF DEPUTY CITY ATTORNEY

The City Attorney's Office advises the Task Force. The Sunshine Ordinance requires that the attorney assigned to the Task Force be experienced in public-access law matters. The Ordinance also requires the deputy city attorney assigned to the Task Force serve solely as a legal advisor and advocate to the Task Force, and that an ethical wall be maintained between the work of this attorney and any person or office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney. The legal advisor to the Task Force is Deputy City Attorney Ernest Llorente. Annual training is provided by the City Attorney's Office, with the assistance of the Sunshine Ordinance Task Force, to all City department heads and all City management employees and all employees or officials who are required to sign an affidavit of financial interest with the Ethics Commission.

## VI. ACCOMPLISHMENTS 2002

- Regular meetings held every month with reports from Standing Committees of work accomplished for the Task Force
- Public hearings held before the Task Force for citizens having difficulty with public records and concerns regarding public meetings
- Special meetings held to take care of extra public hearing
- Task Force trained on the Sunshine Ordinance
- Compliance & Amendments Standing Committee formed
- Community neighborhood meetings attended to submit information regarding the Sunshine Ordinance
- Brochures distributed in four languages explaining the Sunshine Ordinance
- Meetings held with international groups regarding San Francisco's Sunshine Ordinance
- Web site continually updated for community persons to connect into for information on the Sunshine Ordinance and the Sunshine Ordinance Task Force
- Responded to 1200+ requests for information

## VII. ADDENDA

1. Chapter 12L, Non-Profit Public Access Ordinance provisions
2. Membership of Task Force
3. By-Laws, Sunshine Ordinance Task Force
4. Complaint Form
5. Complaint Log for 2002
6. Sunshine Ordinance Task Force Web Page

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Board of Supervisors

## Sunshine Ordinance Task Force

## Addenda #1 Non Profit Public Access Ordinance

**Non Profit Public Access Ordinance**  
Chapter 12L of the San Francisco Administrative Code**1. Which Non-Profits Are Covered?**

The Chapter 12L applies to non-profits that receive at least \$250,000 per year in funding provided by or through the City.

**2. What Are Covered Non-Profits Required To Do?****a. Open Board Meetings**

- At least 2 Board meetings per year must be open
- Members of the public who attend must be allowed to address the Board
- At least 30 days before the public Board meeting, the nonprofit must send written notice of the meeting date, time and location to the Clerk of the Board of Supervisors for posting.
- Upon request, a member of the public must be told the time, date and place of the open Board meeting.

**Note:** Open meeting requirements do not apply to non-profits engaged primarily in abortion counseling, abortion services, domestic violence sheltering or suicide prevention. The portion of any non-profits' Board meeting wherein client or donor confidential information is being discussed may be closed to the public.

**b. Public Access to Financial Records**

The public is entitled upon request to inspect and copy:

1. Most recent budget
2. Most recent tax return
3. Financial audits or performance evaluation completed in the last two years by or for the City, so long as the City has not designated them as confidential

**Note:** The public may inspect these documents during the organizations' regular business hours and receive copies. The nonprofit may charge 10 cents per page for copying.

**c. Community Representation on the Board**

Non-profits are required to make a good faith effort to include on its Board at least one member of the community served by the nonprofit. The

nonprofit is required to give public notice of Board vacancies, allow members of the public to nominate themselves for Board membership and allow the public to comment on Board membership

### 3. Enforcement

The ordinance provides for a three stage dispute resolution process if a complaint is filed by a member of the public (review and recommendation by the contracting City department, review by the Sunshine Ordinance Task Force and review and recommended resolution by the Board of Supervisors). If there are material breaches in compliance by the nonprofit, the contracting department is authorized, but not required to terminate or decline to renew the contract.

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Board of Supervisors

## Sunshine Ordinance Task Force

## Addenda #2 Sunshine Ordinance Task Force Members



**SUNSHINE ORDINANCE TASK FORCE  
MEMBERS  
4/2002**

Seat 1	Joshua Koltun Term expires 4/04 District 6	Submitted by the local chapter of the Society of Professional Journalists and be an attorney
Seat 2	Bruce Brugmann Term expires 4/04 District 7	Submitted by the local chapter of the Society of Professional Journalists and be a journalist
Seat 3	Richard Knee Term expires 4/04 District 3	Member of the press or electronic media with an interest in citizen access
Seat 4	Pawan Mehra Term expires 4/05 District 6	Appointed from names by New California Media; be a journalist from a racial/ethnic-minority-owned news organization
Seat 5	Heather Sterner Term expires 4/04 District 2	Submitted by the League of Women Voters
Seat 6	Doug Comstock Term expires 4/04 District 5	Experienced in consumer advocacy
Seat 7	Sue Cauthen Term expires 4/04 District 3	Experienced in consumer advocacy
Seat 8	Garrett Jenkins Term expires 4/04 District 6	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
Seat 9	David Parker Term expires 4/04 District 7	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
Seat 10	Alexandra Nickliss Term expires 4/04 District 7	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
Seat 11	Marjorie Ann Williams Term expires 4/05 District 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government

Donna Hall

Clerk of the Board or her designee (non-voting)

Hala Hijazi

Mayor or his designee (non-voting)

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Board of Supervisors

## Sunshine Ordinance Task Force



### Addenda #3 By-Laws

#### By-Laws

#### Sunshine Ordinance Task Force

#### City and County of San Francisco

##### Article I - Name and Purpose

###### Section 1. Name

The name of this Task Force shall be the Sunshine Ordinance Task Force.

###### Section 2. Purpose

The Sunshine Ordinance Task Force is established by Chapter 67 of the San Francisco Administrative Code. The Task Force shall protect the public's interest in open government and shall carry out the duties enumerated in Chapter 67 of the San Francisco Administrative Code.

##### Article II - Officers

###### Section 1. Officers

The Officers of this Task Force shall be a Chair and a Vice Chair.

###### Section 2. Terms of Office

The Officers shall hold offices for one year and until their successors are elected.

###### Section 3. Election of Officers

The Officers shall be elected at the first regular meeting of the Task Force held on or before July 1 of each year, or at a subsequent meeting, the date of which shall be fixed by the Task Force at the first regular meeting on or after July 1 of each year. If any Task Force office becomes vacant, that office shall be filled at the first meeting after the vacancy occurs.

##### Article III - Duties of Officers

###### Section 1. Duties of the Chair

The Chair shall preside at all meetings of the Task Force. The Chair, working with

members of the Task Force and the staff, shall oversee the preparation and distribution of the agenda for the Task Force meetings. The Chair shall appoint all Committees and their chairs and shall perform all other duties as prescribed by the Task Force or by the By-Laws which are necessary or incident to the office. The Chair of the Task Force shall encourage Task Force members to participate on committees and shall ensure broad and diverse representation of Task Force members on all committees.

## **Section 2. Duties of the Vice Chair**

In the event of the absence, or inability of the Chair to act, the Vice Chair shall preside at the meetings and perform the duties of the Chair. In the event of the absence of the Chair and the Vice Chair, the remaining Task Force members shall appoint one of the members to act temporarily as Chair.

## **Article IV - Meetings**

### **Section 1. Regular Meetings**

Regular meetings of the Task Force shall be held on the fourth Tuesday of the month at 4:00 p.m. at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, San Francisco, California.

### **Section 2. Special Meetings**

The Chair or a majority of the members of the Task Force may call special meetings.

### **Section 3. Notice of Meetings**

The agendas of all regular meetings and notices and agendas of all special meetings shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center and the office of the Task Force. Agendas and notices shall be mailed to each Task Force member and any person who files a written request for such notice with the Task Force.

### **Section 4. Cancellation of Meetings**

The Chair may cancel a meeting if she or he is informed by the Task Force Administrator that a quorum of the body will not be present or if the meeting date conflicts with a holiday or other responsibilities of the Task Force members. Notices of cancellation shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center, and the office of the Task Force. If time permits, notices of meeting cancellations shall be mailed to all members of the public who have requested, in writing, to receive notices and agendas of Task Force meetings.

### **Section 5. Conduct of Meetings**

(a) All Task Force meetings shall be conducted in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the Task Force's By-laws. Except where state or local laws or other rules provide to the contrary, meetings shall be governed by Robert's Rules of Order.

(b) Subject to the availability of funds, the Task Force shall comply with the

provisions of the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) that apply to Charter boards and commissions.

(c) When a member of the Task Force desires to address the Task Force, she or he shall seek recognition by addressing the Chair, and when recognized, shall proceed to speak. The member shall confine her or his comments or remarks to the question before the Task Force.

(d) Cell phones and pagers shall be turned off during meetings of the Task Force. The Chair may issue a warning to any member of the public whose pager or cell phone *disrupts* the Task Force meeting. In the event of repeated disruptions caused by pagers and cell phones, the Chair shall direct the offending member of the public to leave the meeting.

#### **Section 6. Setting Agendas**

The Task Force Administrator, at the direction of the Chair, shall prepare the agenda for meetings. The agenda for all regular meetings shall contain an item during which Task Force members may request items for the Task Force to consider at future meetings.

#### **Section 7. Action at a Meeting: Quorum and Required Vote**

The presence of a majority of the members (six members) of the Task Force shall constitute a quorum for all purposes. The affirmative vote of a majority of the members of the Task Force (six votes) shall be required for the approval of all substantive matters. Procedural motions require an affirmative vote of a majority of the members present. If a quorum is not present, no official action may be taken, except roll call and adjournment.

#### **Section 8. Voting and Abstention**

Task Force members must be present to vote and participate. Teleconference participation is not permitted. Each member present at a Task Force meeting shall vote "Yes" or "No" when a question is put, unless the member is excused from voting on a matter by a motion adopted by a majority of the members present or the member has a conflict of interest that legally precludes participation in the discussion and vote.

The Task Force shall take action on items on the agenda by roll call, voice vote or by show of hands. The minutes shall reflect how each Task Force member voted on each item.

#### **Section 9. Order of Business**

The order of business at Task Force meetings shall be:

1. Call to order
2. Roll call
3. Approval of meeting minutes
4. Report of the Chair
5. Report of the Task Force Administrator
6. Report of the Standing Committees
7. Action Items
8. Future Agenda Items
9. Public Comment

## 10. Adjournment

The order of items on the agenda may be changed by action of the Task Force at any meeting. Public comment shall be specially set as the first new item considered after 5:00 p.m.

### Section 10. Public Comment

The Task Force and all committees of the Task Force shall hold meetings open to the public in full compliance with state and local laws. The Task Force encourages the participation of all interested persons. Members of the public may address the Task Force on any matter within the subject matter jurisdiction of the Task Force for up to three minutes during public comment. The Chair may limit the time permitted for public comment consistent with state and local laws.

### Section 11. Public Testimony

The Task Force and all committees of the Task Force shall hold meetings open to the public in full compliance with state and local laws. The Task Force encourages the participation of all interested persons. Members of the public may comment on every item on the Task Force agenda. Each person wishing to speak on an item before the Task Force shall be permitted to be heard once for up to three minutes.

## Article V -- Task Force Records

### Section 1. Minutes

Minutes shall be taken at every regular and special Task Force meeting and shall comply with the provisions of the San Francisco Sunshine Ordinance, including the provisions that apply to Charter boards and commissions. (See, San Francisco Administrative Code, Chapter 67.16) Minutes shall be approved by the majority vote of the Task Force.

### Section 2. Public Review File

The Task Force shall maintain a public review file in compliance with the San Francisco Sunshine Ordinance. (See, San Francisco Administrative Code, Section 67.23.)

### Section 3. Records Retention Policy

The Task Force shall prepare, maintain and adopt a records retention and destruction policy as provided in Section 8.3 of the San Francisco Administrative Code.

### Section 4. Tape Recordings

The Task Force shall audio record all regular and special meetings of the Task Force. The audio recordings shall be maintained in accordance with the San Francisco Sunshine Ordinance. (See, San Francisco Administrative Code, Section 67.14(b).)

## Article VI -- Committees

### Section 1. Standing Committees

Upon approval by a majority of the members of the Task Force, the Task Force may



form standing committees to advise the Task Force on its on-going functions. The standing committees shall be composed of members of the Task Force. Unless specified otherwise by the Task Force, the Chair of the Task Force shall name the Chair of the Standing Committees and its members. The Chair of the Task Force shall encourage Task Force members to participate on committees and shall ensure broad and diverse representation of Task Force members on all committees.

The Task Force shall establish the following Standing Committees: Rules, Public Education and Information, Complaints, and Compliance and Amendments Committee.

**(a) Rules Committee**

The Rules Committee shall review matters related to amendments to the Task Force by-laws and procedures for Task Force meetings and shall assist the Chair of the Task Force to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by the Task Force.

**(b) Public Education and Information Committee**

The Public Education and Information Committee shall make recommendations to the Task Force regarding outreach and publicity to the media and to the general public about the Sunshine Ordinance and the Task Force.

**(c) Complaint Committee**

The Complaint Committee shall monitor the complaint process and make recommendations to the Task Force regarding how the complaints should be handled.

**(d) Compliance & Amendments Committee**

The Compliance and Amendments Committee shall monitor compliance with the Orders of Determination adopted by the Task Force; shall recommend to the Task Force amendments to the Sunshine Ordinance regarding enforcement of the Orders of Determination; and shall consider and recommend any other additions, amendments, and changes to the Sunshine Ordinance as provided by members of the Task Force and from the general public. (Added 8/27/02)

**Section 2. Special or Ad Hoc Committees**

Upon approval by a majority of the members of the Task Force, the Task Force may form special or ad hoc committees. Special committees shall be formed for a specific purpose and cease to exist after completion of a designated task. Special committees may be composed of members of the Task Force.

**Article VII - Attendance**

Members of the Task Force shall notify the Task Force Administrator if she or he is unable to attend a regular or special meeting of the Task Force. If a member of the Task Force misses more than three regular meetings in any twelve-month period of time, the Task Force may notify the Board of Supervisors and request that action be taken to remove the member from the Task Force. The Administrator of the Sunshine Ordinance Task Force shall notify any member who misses two meetings in any twelve

month period of time that if the third absence occurs, the Task Force may notify the Board of Supervisors of the member's lack of attendance.

#### **Article VIII - Amendment of By Laws**

The By Laws of the Task Force may be amended by a vote of a majority of the members of the Task Force after presentation of the proposed amendments as an agenda item at a meeting of the Task Force. The Task Force shall give ten days notice before considering any amendments to its by laws.

Adopted 8/22/00

Amended 8/27/02

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Board of Supervisors

**Sunshine Ordinance Task Force****Addenda #4 Complaint Form****Sunshine Ordinance Task Force****1 Dr. Carlton B. Goodlett Place, Room 244****San Francisco CA 94102****Tel. (415) 554-7724; Fax (415) 554-7854**<http://www.sfgov.org/sunshine>

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- a. Government's duty is to serve the public, reaching its decisions in full view of the public.
- b. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Donna L. Hall, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters which cannot be adequately resolved, or matters which involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

Donna L. Hall, Administrator

**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or  
Commission \_\_\_\_\_

Name of individual contacted at Department or  
Commission \_\_\_\_\_

\_\_\_\_\_ Alleged violation public records access

\_\_\_\_\_ Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance Section \_\_\_\_\_  
(If known, please cite specific provision being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any  
relevant documentation supporting your complaint.

Do you wish a public hearing before the Sunshine Ordinance Task Force?  
\_\_\_\_\_yes\_\_\_\_\_no.

(Optional)  
Your name \_\_\_\_\_

Address \_\_\_\_\_ Date \_\_\_\_\_

Telephone \_\_\_\_\_ If anonymous, please let us know how to contact  
you.

Signature \_\_\_\_\_

## Filing a Complaint with the Sunshine Ordinance Task Force

1. You may fill out a Complaint Form, or you may send your own letter filing a formal complaint. The complaint is filed with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689. (Fax # 415 554 7854)
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
  - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.

4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
- If the complainant submits any additional material after the seven day deadline, the complainant will be informed that
  - The Task Force may proceed without considering the new material, or
  - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
  - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
  - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Donna Hall, (415) 554 7724.

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Board of Supervisors

## Sunshine Ordinance Task Force

## Addenda #5 Complaint Log 2002



Date Received	Complainant	Department	Status
1/4/2002	Steve Cockrell	Recreation & Park	Hearing before the Task Force 4/23/02; Order of Determination 4/23/02.
1/18/2002	Frederick Hobson	Drug Abuse Advisory Board	8/27/02 complaint dismissed.
2/4/2002	Shelley Bell, Helynna Brooke, James Bryant, Deborah Drysdale	Elections Commission	To Complaint Committee 2/12/02; Hearing before Task Force 3/26/02; Order of Determination 3/28/02
3/25/2002	Environmental Law & Justice Clinic	Airport	Public hearing before Task Force 4-23-02; Order of Determination 4-23-02
3/29/2002	Louis Calabro	Police Department	Public Hearing scheduled before the Task Force 6-25-02; Order of Determination 6/25/02
4/8/2002	Peter Warfield	Library	Public hearing before Task Force 4-23-02; Order of Determination 4-23-02
4/18/2002	Anthony Imperial	Human Rights Commission	Complaint Committee 5-16-02; Public Hearing 6-12-02. Order of Determination 6-12-02
4/15/2002	Frederick Hobson,	Supervisor Ammiano	Complaint withdrawn 5/29/02
4/25/2002	Kevin Heneghan	Supervisors Daly, McGoldrick, Maxwell	Public Hearing scheduled before the Task Force 6-25-02; Order of Determination 6/25/02
5/14/2002	Frederick Hobson	Commission of Animal Control & Welfare	8/27/02 complaint dismissed.
5/16/2002	Marilyn Amini	Planning Department, Planning Commission	Order of Determination 9/24/02
5/30/2002	Monette-Shaw, Patrick	Dept Pub Health/HIV Health Serv Plan Co	Public Hearing scheduled before the Task Force 6-25-02; Order of Determination 6/25/02

6/11/2002	John Darmanin	Fire Dept	Complaint Committee 6-19-02; Order of Determination recommended to Task Force 6-25-02; Order of Determination 6/25/02
6/26/2002	Anthony Imperial	HRC and MUNI	8/1/02 he withdrew this complaint
7/2/2002	Catherine Tchen	Animal Control	8/27/02 no jurisdiction upheld.
7/2/2002	Frederick Hobson	Animal Control	8/27/02 no jurisdiction upheld.
7/2/2002	Frederick Hobson	Animal Control	Same as 5/14 complaint
7/9/2002	Jason Grant Garza	Dept Pub Health	Order of Determination 7/23/02 Task Force Meeting
7/9/2002	Glenda Williams	Library	Notifying Complainant this not under Sunshine Ordinance.
7/12/2002	<b>Marcia Perez</b>	<b>Non-Profit CARECEN</b>	<b>Hold until I hear from Department</b>
7/12/2002	Jason Grant Garza	Sheriff's Office	8/27/02 Order of Determination adopted.
8/1/2002	Anthony Imperial	Human Rights Commission	Order of Determination 9/24/02
8/1/2002	Michael Petrelis	Dept Pub Health/HIV Prevention Planning Council	Order of Determination 9/24/02
8/2/2002	Michael Stoll	Clerk of Board Office	10/9/02 withdrew complaint
8/13/2002	Mark Hanifan	Non-Profit SF Study Center	1/8/03 sent letter to him for status. Did not get a response. No telephone number.
8/13/2002	Michael Petrelis	Mayor's HIV Scientific Advisory Committee	Mr. Petrelis notified this is not a policy body
8/15/2002	Steeffel Levitt & Weiss	Supervisor Tom Ammiano	8/30/02: Do not pursue at this time unless requested to do so.
8/16/2002	Andre Spearman	Dept. Bldg.Insp.	Order of Determination 9/24/02
9/3/2002	Patrick Monette-Shaw	Dept.Pub. Health; HIV Health Services Planning Council	10/22/02 Order of Determination sending to Compliance & Amendments Committee
9/20/2002	Peter Witt	Taxi Commission	10/22/02 Order of Determination dismissing Items 2 and 3; 11/26/02 Order of Determination for Items 4 and 6.
10/3/2002	Peter Warfield	Library	10/22/02 Order of Determination dismissing this complaint.
10/25/2002	Daisy Tracey Buel	Human Services, Greenbook Project	Withdrawn 11/6/02



10/29/2002	Patrick Monette-Shaw	Dept.Pub. Health; HIV Health Services Planning Council	Complaint Committee 11/15/02 jurisdiction not found; 11/26/02 upheld by Task Force
11/6/2002	Sue Cauthen	Library	Withdrawn 11/14/02
11/26/2002	United Taxicab Workers	Supervisor Newsom's Office	Order of Determination 12/17/02
12/19/2002	Michael Stoll	Board of Supervisors	Complaint Committee 1/9/03

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Board of Supervisors

## Sunshine Ordinance Task Force

Addenda #6 Web  
Web

The Sunshine Ordinance Task Force has a web page that is being accessed by over 3,000 persons per month. The web page consists of:

- Current agendas and minutes
  - Past years' agendas and minutes
  - Public records listing and retention schedule
  - By-laws of the Task Force
- 
- Information on:
    - The Sunshine Ordinance
    - Membership of the Task Force
    - Committee structure of the Task Force
    - Non-profit requirements
    - Duties and responsibilities of the Task Force
    - How to file a complaint with the Task Force
    - Frequently asked questions

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**A REPORT TO BOARD OF SUPERVISORS  
ANNUAL REPORT 2003**

**CITY/COUNTY OF SAN FRANCISCO  
SUNSHINE ORDINANCE TASK FORCE**

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**I. PURPOSE/BACKGROUND**

The essential rationale for the existence of the Sunshine Ordinance and its Task Force is to assure open government and maximum public participation in governance.

- The San Francisco Board of Supervisors first passed the Sunshine Ordinance in 1993 creating a task force to advise the Board of Supervisors on matters related to the implementation of the Sunshine Ordinance.
- The Sunshine Initiative enacted by the voters in November 1999, effective January 1, 2000, significantly expanded the responsibilities of the Task Force. It also reduced the number of members from 13 to 11, causing the Board of Supervisors to reconstitute the Task Force in April 2000.
- The Task Force met for the first time under the new ordinance in May 2000.
- Non-Profit organizations, which receive \$250,000 or more of City funds are subject to the provisions of the Sunshine Ordinance. Administrative Code 12L requires at least two board meetings per year to be open to the public, and the public must be allowed to address the board. Non-profits are required to make a good-faith effort to include on their boards at least one member of the community served by the non-profit. See Section VII, Addenda #1 for a copy of Administrative Code 12L.

**II. MEMBERSHIP**

The Task Force reorganizes each May and elects new officers  
Officers of the Task Force beginning May 2003

Garrett Jenkins served as Chair  
Alexandra Nickliss served as Vice-Chair

The Task Force has 11 seats, four of which are dedicated:

- The Society of Professional Journalists has one seat for an attorney and one for a member of the media.
- The League of Women Voters has one seat.
- The New California Media has one seat.

- The other members must have demonstrated consumer involvement or community activism.
- At least one person with a physical disability is required by the Sunshine Ordinance to be a member of the Task Force.
- Members are appointed by the Board of Supervisors for two-year terms.
- There are two ex-officio members—one appointed by the Mayor and the other by the Clerk of the Board.
- The gender breakdown of the Task Force for 2003 was five females and six males.
- The ethnic breakdown of the Task Force for 2003 was two African-Americans, one Asian, and eight Caucasians.
- See Section VII, Addenda #2 for a membership listing.

### **III. ORGANIZATION & COMMITTEE STRUCTURE**

(See Section VII, Addenda #3 for a copy of the By-Laws)

The Task Force was reorganized in May 2000 around three activities:

- (1) Education of City/County staff to assure compliance with their obligations;
- (2) Outreach and public education to assure knowledge regarding the public's right to access to records and participation in the public decision-making process;
- (3) Enforcement of public access and participation laws.

To that end it was decided that an organizational structure around committees would (and has) facilitated the work of the Task Force:

- (1) A Rules Committee was established to develop by-laws-procedures so the Task Force's work could proceed in an orderly way. As with all committees, recommendations for action are made to the full Task Force for final action.

- (2) Public Education and Information: Unless the public is aware of its rights to access to information and participation, the value of the ordinance would be minimal. Therefore, a Public Information and Education Committee was created whose purpose is what its name says. To that end the Task Force has:
- appointed a community volunteer to assist the Task Force with public outreach;
  - published and distributed a Task Force brochure published in English, Spanish, Vietnamese, and Chinese;
  - conducted educational and information sessions to community groups throughout the City;
  - prepared a web page with full information on the Sunshine Ordinance Task Force. See Section VII, Addenda #6 for information on the Sunshine Ordinance Task Force web page. Community members may now directly, through email or the web, contact the Sunshine Ordinance Task Force Office requesting information or filing a complaint.
  - In 2003 the Chair of the Task Force met international visiting dignitaries from
    - Malaysia
    - Indonesia
    - Guests of State Department—Bolivia, Bosnia, Cambodia, Ghana, Lithuania, Mauritius, Mexico, Mozambique, Namibia, Nigeria, Pakistan, Papua New Guinea, Philippines, Sierra Leone, Suriname, Swaziland, Turkey
- (3) Complaint Committee: If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee to determine jurisdiction. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will be invited to state their respective cases and to answer questions put by members of the Task Force, following which an Order of Determination will be issued. See Section VII, Addenda # 4 for a copy of the complaint form.

From the complaints received from community members, the Task Force issued twelve Orders of Determination city departments, two Orders of Determination to non-profit agencies, and one Order of Determination to a commission. See Section VII, Addenda #5 for Complaint Log.

(4) Compliance & Amendments Committee: This Committee was appointed in 2002. The Compliance & Amendments Committee's charge is to:

- thoroughly review the Orders of Determination adopted by the Task Force, and when appropriate, schedule public hearings to ensure their prompt and satisfactory compliance;
- consider and make recommendations to the Task Force from staff and community members regarding amendments to the Sunshine Ordinance.

The Chair of the Task Force appoints committee chairs as well as its members. Each member of the Task Force must also be a member of a committee.

The Compliance & Amendments Committee held six public meetings throughout the community to receive suggestions and recommendations for amendments to the Sunshine Ordinance. Public hearings were held at:

Bayview Opera House  
Visitation Valley Community Center  
Horace Mann Academic Middle School  
Park Branch Library  
Two hearings were held at City Hall

Ad hoc committees are appointed as needed. There have been ad hoc committees to deal with email; conflict of interest; suggested Sunshine Ordinance provisions for the City College Board, and proposed amendments to the Sunshine Ordinance.

#### **IV. JOB DESCRIPTION & ACTIVITIES OF ADMINISTRATOR**

The Clerk of the Board of Supervisors is required to provide a full-time staff person to perform administrative duties for the Task Force and to assist any person in gaining access to public meetings or public information.

The Administrator for the Task Force is Donna Hall.

The Administrator for the Task Force receives and answers questions regarding the Sunshine Ordinance and questions regarding the filing of complaints before the Task Force. The majority of questions to the Task Force Office regarding public records and the filing of complaints are handled at the Task Force Office. Those that cannot be resolved are forwarded to the Complaint Committee and then to the Task Force.

This year there were 1000+ informational calls and emails to the Sunshine Ordinance Task Force Office from community persons requesting assistance in obtaining public records from a variety of City/County Departments.

#### **V. ROLE & ACTIVITIES OF DEPUTY CITY ATTORNEY**

The City Attorney's Office advises the Task Force. The Sunshine Ordinance requires that the attorney assigned to the Task Force be experienced in public-access law matters. The Ordinance also requires that the deputy city attorney



assigned to the Task Force serve solely as a legal advisor and advocate to the Task Force, and that an ethical wall be maintained between the work of this attorney and any person or office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.

The legal advisor to the Task Force is Deputy City Attorney Ernest Llorente.

Annual training is provided by the City Attorney's Office, with the assistance of the Sunshine Ordinance Task Force, to all City department heads and all City management employees and all employees or officials who are required to sign an affidavit of financial interest with the Ethics Commission. (This training includes all policy bodies of the City, which include committees, task forces and commissions.)

## **VI. ACCOMPLISHMENTS 2003**

- Regular meetings held every month with reports from Standing Committees of work accomplished for the Task Force
- Public hearings held before the Task Force for citizens having difficulty with public records and concerns regarding public meetings
- Task Force trained on the Sunshine Ordinance
- Ad Hoc Committee worked with City College regarding adopting Sunshine Ordinance regulations
- Six community meetings held different areas of the City to gather suggestions for Sunshine Ordinance amendments
- Community neighborhood meetings attended to submit information regarding the Sunshine Ordinance
- Brochures distributed in four languages explaining the Sunshine Ordinance
- Meetings held with international groups regarding San Francisco's Sunshine Ordinance
- Web site continually updated for community persons to connect into for information on the Sunshine Ordinance and the Sunshine Ordinance Task Force
- Responded to 1000+ requests for information

## **VII. ADDENDA**

1. Chapter 12L, Non-Profit Public Access Ordinance provisions
2. Membership of Task Force
3. By-Laws, Sunshine Ordinance Task Force
4. Complaint Form
5. Complaint Log for 2002
6. Sunshine Ordinance Task Force Web Page

## **ADDENDA # 1**

### **Non Profit Public Access Ordinance Chapter 12L of the San Francisco Administrative Code**

#### **1. Which Non-Profits Are Covered?**

The Chapter 12L applies to non-profits that receive at least \$250,000 per year in funding provided by or through the City.

#### **2. What Are Covered Non-Profits Required To Do?**

##### **a. Open Board Meetings**

- At least 2 Board meetings per year must be open
- Members of the public who attend must be allowed to address the Board
- At least 30 days before the public Board meeting, the nonprofit must send written notice of the meeting date, time and location to the Clerk of the Board of Supervisors for posting.
- Upon request, a member of the public must be told the time, date and place of the open Board meeting.

**Note:** Open meeting requirements do not apply to non-profits engaged primarily in abortion counseling, abortion services, domestic violence sheltering or suicide prevention. The portion of any non-profits' Board meeting wherein client or donor confidential information is being discussed may be closed to the public.

##### **b. Public Access to Financial Records**

The public is entitled upon request to inspect and copy:

1. Most recent budget
2. Most recent tax return
3. Financial audits or performance evaluation completed in the last two years by or for the City, so long as the City has not designated them as confidential

**Note:** The public may inspect these documents during the organizations' regular business hours and receive copies. The nonprofit may charge 10 cents per page for copying.

##### **c. Community Representation on the Board**

Non-profits are required to make a good faith effort to include on its Board at least one member of the community served by the nonprofit. The nonprofit is required to give public notice of Board vacancies, allow members of the public to nominate themselves for Board membership and allow the public to comment on Board membership

#### **3. Enforcement**

The ordinance provides for a three stage dispute resolution process if a complaint is filed by a member of the public (review and recommendation by the contracting City department, review by the Sunshine Ordinance Task Force and review and recommended resolution by the Board of Supervisors). If there are material breaches in compliance by the nonprofit, the contracting department is authorized, but not required to terminate or decline to renew the contract.

## ADDENDA # 2

### SUNSHINE ORDINANCE TASK FORCE MEMBERS 4/2003

Seat 1	Joshua Koltun Term expires 4/04 District 6	Submitted by the local chapter of the Society of Professional Journalists and be an attorney
	Nicole Dogwill served unexpired term of Joshua Koltun	
Seat 2	Bruce Brugmann Term expires 4/04 District 7	Submitted by the local chapter of the Society of Professional Journalists and be a journalist
Seat 3	Richard Knee Term expires 4/04 District 3	Member of the press or electronic media with an interest in citizen access
Seat 4	Pawan Mehra Term expires 4/05 District 6	Appointed from names by New California Media; be a journalist from a racial/ethnic-minority-owned news organization
Seat 5	Heather Sterner Term expires 4/04 District 2	Submitted by the League of Women Voters
Seat 6	Doug Comstock Term expires 4/04 District 5	Experienced in consumer advocacy
Seat 7	Sue Cauthen Term expires 4/04 District 3	Experienced in consumer advocacy
Seat 8	Garrett Jenkins Term expires 4/04 District 6	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
Seat 9	David Parker Term expires 4/04 District 7	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
Seat 10	Alexandra Nickliss Term expires 4/04 District 7	Demonstrated interest in or has experience in the issues of citizen access and participation in local government

## ADDENDA # 2

Seat 11	Marjorie Ann Williams Term expires 4/05 District 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government
	Donna Hall	Clerk of the Board or her designee (non-voting)
	Hala Hijazi	Mayor or his designee (non-voting)

## **ADDENDA # 3**

### **By-Laws**

#### **Sunshine Ordinance Task Force City and County of San Francisco**

##### **Article I – Name and Purpose**

###### **Section 1. Name**

The name of this Task Force shall be the Sunshine Ordinance Task Force.

###### **Section 2. Purpose**

The Sunshine Ordinance Task Force is established by Chapter 67 of the San Francisco Administrative Code. The Task Force shall protect the public's interest in open government and shall carry out the duties enumerated in Chapter 67 of the San Francisco Administrative Code.

##### **Article II – Officers**

###### **Section 1. Officers**

The Officers of this Task Force shall be a Chair and a Vice Chair.

###### **Section 2. Terms of Office**

The Officers shall hold offices for one year and until their successors are elected.

###### **Section 3. Election of Officers**

The Officers shall be elected at the first regular meeting of the Task Force held on or before July 1 of each year, or at a subsequent meeting, the date of which shall be fixed by the Task Force at the first regular meeting on or after July 1 of each year. If any Task Force office becomes vacant, that office shall be filled at the first meeting after the vacancy occurs.

##### **Article III – Duties of Officers**

###### **Section 1. Duties of the Chair**

The Chair shall preside at all meetings of the Task Force. The Chair, working with members of the Task Force and the staff, shall oversee the preparation and distribution of the agenda for the Task Force meetings. The Chair shall appoint all Committees and their chairs and shall perform all other duties as prescribed by the Task Force or by the By-Laws which are necessary or incident to the office. The Chair of the Task Force shall encourage Task Force members to participate on committees and shall ensure broad and diverse representation of Task Force members on all committees.

###### **Section 2. Duties of the Vice Chair**

In the event of the absence, or inability of the Chair to act, the Vice Chair shall preside at the meetings and perform the duties of the Chair. In the event of the absence of the Chair and the Vice Chair, the remaining Task Force members shall appoint one of the members to act temporarily as Chair.

## **ADDENDA # 3**

### **Article IV – Meetings**

#### **Section 1. Regular Meetings**

Regular meetings of the Task Force shall be held on the fourth Tuesday of the month at 4:00 p.m. at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408, San Francisco, California.

#### **Section 2. Special Meetings**

The Chair or a majority of the members of the Task Force may call special meetings.

#### **Section 3. Notice of Meetings**

The agendas of all regular meetings and notices and agendas of all special meetings shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center and the office of the Task Force. Agendas and notices shall be mailed to each Task Force member and any person who files a written request for such notice with the Task Force.

#### **Section 4. Cancellation of Meetings**

The Chair may cancel a meeting if she or he is informed by the Task Force Administrator that a quorum of the body will not be present or if the meeting date conflicts with a holiday or other responsibilities of the Task Force members. Notices of cancellation shall be posted on the Task Force web site, at the meeting site, the San Francisco Main Library, Government Information Center, and the office of the Task Force. If time permits, notices of meeting cancellations shall be mailed to all members of the public who have requested, in writing, to receive notices and agendas of Task Force meetings.

#### **Section 5. Conduct of Meetings**

(a) All Task Force meetings shall be conducted in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the Task Force's By-laws. Except where state or local laws or other rules provide to the contrary, meetings shall be governed by Robert's Rules of Order.

(b) Subject to the availability of funds, the Task Force shall comply with the provisions of the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) that apply to Charter boards and commissions.

(c) When a member of the Task Force desires to address the Task Force, she or he shall seek recognition by addressing the Chair, and when recognized, shall proceed to speak. The member shall confine her or his comments or remarks to the question before the Task Force.

(d) Cell phones and pagers shall be turned off during meetings of the Task Force. The Chair may issue a warning to any member of the public whose pager or cell phone disrupts the Task Force meeting. In the event of repeated disruptions caused by pagers and cell phones, the Chair shall direct the offending member of the public to leave the meeting.

## **ADDENDA # 3**

### **Section 6. Setting Agendas**

The Task Force Administrator, at the direction of the Chair, shall prepare the agenda for meetings. The agenda for all regular meetings shall contain an item during which Task Force members may request items for the Task Force to consider at future meetings.

### **Section 7. Action at a Meeting; Quorum and Required Vote**

The presence of a majority of the members (six members) of the Task Force shall constitute a quorum for all purposes. The affirmative vote of a majority of the members of the Task Force (six votes) shall be required for the approval of all substantive matters. Procedural motions require an affirmative vote of a majority of the members present. If a quorum is not present, no official action may be taken, except roll call and adjournment.

### **Section 8. Voting and Abstention**

Task Force members must be present to vote and participate. Teleconference participation is not permitted. Each member present at a Task Force meeting shall vote "Yes" or "No" when a question is put, unless the member is excused from voting on a matter by a motion adopted by a majority of the members present or the member has a conflict of interest that legally precludes participation in the discussion and vote.

The Task Force shall take action on items on the agenda by roll call, voice vote or by show of hands. The minutes shall reflect how each Task Force member voted on each item.

### **Section 9. Order of Business**

The order of business at Task Force meetings shall be:

1. Call to order
2. Roll call
3. Approval of meeting minutes
4. Report of the Chair
5. Report of the Task Force Administrator
6. Report of the Standing Committees
7. Action Items
8. Future Agenda Items
9. Public Comment
10. Adjournment

The order of items on the agenda may be changed by action of the Task Force at any meeting. Public comment shall be specially set as the first new item considered after 5:00 p.m.

### **Section 10. Public Comment**

The Task Force and all committees of the Task Force shall hold meetings open to the public in full compliance with state and local laws. The Task Force encourages the participation of all interested persons. Members of the public may address the Task Force on any matter within the subject matter jurisdiction of the Task Force for up to three minutes during public comment. The Chair may limit the time permitted for public comment consistent with state and local laws.

### **Section 11. Public Testimony**



## **ADDENDA # 3**

The Task Force and all committees of the Task Force shall hold meetings open to the public in full compliance with state and local laws. The Task Force encourages the participation of all interested persons. Members of the public may comment on every item on the Task Force agenda. Each person wishing to speak on an item before the Task Force shall be permitted to be heard once for up to three minutes.

### **Article V -- Task Force Records**

#### **Section 1. Minutes**

Minutes shall be taken at every regular and special Task Force meeting and shall comply with the provisions of the San Francisco Sunshine Ordinance, including the provisions that apply to Charter boards and commissions. (See, San Francisco Administrative Code, Chapter 67.16) Minutes shall be approved by the majority vote of the Task Force.

#### **Section 2. Public Review File**

The Task Force shall maintain a public review file in compliance with the San Francisco Sunshine Ordinance. (See, San Francisco Administrative Code, Section 67.23.)

#### **Section 3. Records Retention Policy**

The Task Force shall prepare, maintain and adopt a records retention and destruction policy as provided in Section 8.3 of the San Francisco Administrative Code.

#### **Section 4. Tape Recordings**

The Task Force shall audio record all regular and special meetings of the Task Force. The audio recordings shall be maintained in accordance with the San Francisco Sunshine Ordinance. (See, San Francisco Administrative Code, Section 67.14(b).)

### **Article VI – Committees**

#### **Section 1. Standing Committees**

Upon approval by a majority of the members of the Task Force, the Task Force may form standing committees to advise the Task Force on its on-going functions. The standing committees shall be composed of members of the Task Force. Unless specified otherwise by the Task Force, the Chair of the Task Force shall name the Chair of the Standing Committees and its members. The Chair of the Task Force shall encourage Task Force members to participate on committees and shall ensure broad and diverse representation of Task Force members on all committees.

The Task Force shall establish the following Standing Committees: Rules, Public Education and Information, Complaints, and Compliance and Amendments Committee.

##### **(a) Rules Committee**

The Rules Committee shall review matters related to amendments to the Task Force by-laws and procedures for Task Force meetings and shall assist the Chair of the Task Force to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by the Task Force.

## **ADDENDA # 3**

### **(b) Public Education and Information Committee**

The Public Education and Information Committee shall make recommendations to the Task Force regarding outreach and publicity to the media and to the general public about the Sunshine Ordinance and the Task Force.

### **(c) Complaint Committee**

The Complaint Committee shall monitor the complaint process and make recommendations to the Task Force regarding how the complaints should be handled.

### **(d) Compliance & Amendments Committee**

The Compliance and Amendments Committee shall monitor compliance with the Orders of Determination adopted by the Task Force; shall recommend to the Task Force amendments to the Sunshine Ordinance regarding enforcement of the Orders of Determination; and shall consider and recommend any other additions, amendments, and changes to the Sunshine Ordinance as provided by members of the Task Force and from the general public. (Added 8/27/02)

## **Section 2. Special or Ad Hoc Committees**

Upon approval by a majority of the members of the Task Force, the Task Force may form special or ad hoc committees. Special committees shall be formed for a specific purpose and cease to exist after completion of a designated task. Special committees may be composed of members of the Task Force.

## **Article VII – Attendance**

Members of the Task Force shall notify the Task Force Administrator if she or he is unable to attend a regular or special meeting of the Task Force. If a member of the Task Force misses more than three regular meetings in any twelve-month period of time, the Task Force may notify the Board of Supervisors and request that action be taken to remove the member from the Task Force. The Administrator of the Sunshine Ordinance Task Force shall notify any member who misses two meetings in any twelve month period of time that if the third absence occurs, the Task Force may notify the Board of Supervisors of the member's lack of attendance.

## **Article VIII - Amendment of By Laws**

The By Laws of the Task Force may be amended by a vote of a majority of the members of the Task Force after presentation of the proposed amendments as an agenda item at a meeting of the Task Force. The Task Force shall give ten days notice before considering any amendments to its by laws.

Adopted 8/22/00

Amended 8/27/02



## Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102

Tel. (415) 554-7724; Fax (415) 554-7854

<http://www.sfgov.org/sunshine>

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Donna L. Hall, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters which cannot be adequately resolved, or matters which involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

Donna L. Hall, Administrator



SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

### SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission \_\_\_\_\_  
Name of individual contacted at Department or Commission \_\_\_\_\_

\_\_\_\_\_ Alleged violation public records access  
\_\_\_\_\_ Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance Section \_\_\_\_\_  
(If known, please cite specific provision being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Do you wish a public hearing before the Sunshine Ordinance Task Force? \_\_\_\_\_ yes \_\_\_\_\_ no.

(Optional)  
Your name \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

Telephone \_\_\_\_\_ If anonymous, please let us know how to contact you.

Signature \_\_\_\_\_

## **ADDENDA #4**

### **Filing a Complaint with the Sunshine Ordinance Task Force**

1. You may fill out a Complaint Form, or you may send your own letter filing a formal complaint. The complaint is filed with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689. (Fax # 415 554 7854)
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
  - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
  - If the complainant submits any additional material after the seven day deadline, the complainant will be informed that
    - The Task Force may proceed without considering the new material, or
    - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
    - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
    - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Donna Hall, (415) 554 7724.

# ADDENDA #5

## Complaint Log 2003

Date Received	Complainant	Department	Status	
7/12/2002	Marcia Perez	Non-Profit CARECEN Board of Supervisors	Order of Determination 4/22/03	
12/19/2002	Michael Stoll	Non-Profit Friends of Rec & Park	Order of Determination 1/28/03	
1/6/2003	Anthony Imperial		7/9/03 Mr. Imperial requested this be held until further notice.	
1/6/2003	Anthony Imperial	Recreation & Park Department	7/9/03 Mr. Imperial requested this be held until further notice.	
1/6/2003	Anthony Imperial	Human Rights Commission	Order of Determination 3/25/03	
1/14/2003	Anthony Imperial	Recreation & Park Department	7/9/03 Mr. Imperial requested this be held until further notice.	
3/7/2003	Peter Warfield	Public Library	Order of Determination 4/22/03	
4/9/2003	Daisy Buel	Greenbook Project	Order of Determination May 27, 2003	
4/30/2003	Jason Grant Garza	City Attorney	Order of Determination June 24, 2003	
5/6/2003	Peter Warfield	Library Commission	Order of Determination May 27, 2003 dismissing complaint	
5/8/2003	Michael Stoll	Elections Department	Order of Determination June 24, 2003	
6/3/2003	Daniel Boreen	Fire Department	Order of Determination July 22, 2003	
7/18/2003	Daniel Boreen	Fire Department	Order of Determination July 22, 2003	

7/16/2003	Steve Lawrence	Public Utilities Commission	8/11/03 withdrawn	
7/31/2003	Sue Cauthen	Library	Order of Determination 8/26/03	
8/15/2003	Steve Lawrence	Public Utilities Commission	Order of Determination 9/23/03	
8/19/2003	Steve Cockrell	Natural Areas Program Citizens Advisory Committee	Order of Determination 9/23/03	
9/15/2003	Ronald Van Pool	Fire Department	Order of Determination 10/28/03	
10/4/2003	Patrick Monette-Shaw	Mayor's Office	Order of Determination 10/28/03	
10/8/2003	John Harrison	Rent Board	Tabled 10/28/03	
10/29/2003	Katherine Roberts	Golden Gate Park Concourse Authority	11/20/03 Dismissed	
11/4/2003	Kristen Odlag	Fire Department	Order of Determination 11/20/03	
11/5/2003	Daniel Boreen	Fire Department	No action by Task Force 12/16/03	
12/2/2003	Daniel Boreen	Fire Department	Compliance & Amendments Committee 12/10/03 decision to work with Administrator and Fire Department to resolve	
12/9/2003	Steve Cockrell	PROSAC	Complaint Committee 1/13/04	
12/14/2003	Joe Acosta	Park Department	Public Hearing 1/27/04	
12/16/2003	Kevin Williams	Human Rights Commission	Public Hearing 1/27/04	
12/16/2003	John Kelly	Department of Building Inspection	Withdrawn 1/12/04	
12/19/2003	Joseph Graff	Fire Department	Public Hearing 1/27/04	

## ADDENDA # 6

### WEB

The Sunshine Ordinance Task Force has a web page that is being accessed by over 3,000 persons per month. The web page consists of:

- Current agendas and minutes
  - Special meeting notices
  - Past years' agendas and minutes
  - Public records listing and retention schedule
  - By-laws of the Task Force
- 
- Information on:
    - The Sunshine Ordinance
    - Membership of the Task Force
    - Committee structure of the Task Force
    - Non-profit requirements
    - Duties and responsibilities of the Task Force
    - How to file a complaint with the Task Force
    - Frequently asked questions



2004  
REPORT TO BOARD OF SUPERVISORS  
ANNUAL REPORT  
CITY/COUNTY OF SAN FRANCISCO  
SUNSHINE ORDINANCE TASK FORCE

\*\*\*\*\*

**SUMMARY**

The Sunshine Ordinance Task Force undertook an extensive review of the Sunshine Ordinance and proposed package amendments, which included thirty (30) Sections of the Sunshine Ordinance. The Task Force held several community meetings to collect data for and elicited support from the Board of Supervisors. Further consideration of Sunshine Ordinance will occur in 2005 including the administration of a department survey pertaining to amendments to the Sunshine Ordinance.

The Task Force was also involved in discussions with San Francisco City College in adopting portions of the Sunshine Ordinance. Continued discussions are expected in 2005.

In 2004, the Task Force conducted 16 meetings and its committees conducted 40 meetings. Proactive measures in resolving conflicts have resulted in a decline of complaints being filed.

**I. ACCOMPLISHMENTS**

- Conducted several community meetings to compile information for proposed amendments to the Sunshine Ordinance and submitted to the Board of Supervisors. Developed draft survey to be sent to City Departments/Agencies to obtain additional feedback regarding proposed amendments. Further considerations will occur in 2005.
- The Task Force conducted joint meetings with the City College Board to discuss adoption of portions of Sunshine Ordinance. Meetings will continue in 2005.
- Research conducted by the Public Education & Information Committee on what is available technology-wise for easier citizen retrieval of information from departments.
- Task Force Members met with a group of international visitors interested in CCSF Sunshine Ordinance including visitors from People's Republic of China, Brazil, and Malaysia.
- Responded to a total of 2,739 public inquiries. 100% of Sunshine Requests were processed within 5 days.
- There was a decrease of complaints filed in 2003 from 29 to 25 complaints in 2004. This is a result of proactive measures taken in resolving conflicts.

DOCUMENTS DEPT.

AUG 22 2006

1

- Each Committee updated its Mission and Work Program to better reflect its function. See Section III, Organization and Committee Structure.
- Complaint matters with the Task Force include fifteen Orders of Determination and other miscellaneous actions:

Date Received	Complainant	Department	Status	Violation
12/9/2003	Steve Cockrell	PROSAC	Continued to 2/24/04; complaint withdrawn 3/14/04	Withdrawn
12/14/2003	Joe Acosta	Recreation & Park Department	Order of Determination 1/27/04	67.7(a)(b)
12/16/2003	Kevin Williams	Human Rights Commission	2/24/04 Human Rights Commission and the City Attorney's Office to produce the method and invoice or document used in this case and to do so in a convenient, effective, economical and timely basis	No action taken
12/19/2003	Joseph Graff	Fire Department	To be resolved between Department and Mr. Graff per 1/27/04	No action taken
1/16/2004	Oliver Luby/Kevin DeLiban	Ethics Commission	Order of Determination 2/24/04	67.29-1, 67.29-7(a)
2/4/2004	John Kelly	Department of Building Inspection	Order of Determination 2/24/04	67.29-7(a)
3/8/2004	Peter Warfield	Public Library/RSI	Order of Determination 4/22/04	67.21(c) 67.24(i)
3/8/2004	Peter Warfield	Public Library/RFID	Conducted hearing	No action taken
3/8/2004	Peter Warfield	Public Library/Audio	Conducted hearing	No action taken
3/9/2004	Peter Warfield	Public Library/Minutes	Order of Determination 4/27/04	67.16
4/13/2004	Matthew Brennan	Supervisor Gonzalez' Office	Order of Determination 7/27/04	67.21(b)

Date Received	Complainant	Department	Status	Violation
4/1/2004	Anthony Imperial	War Memorial	Letter sent to War Memorial	
5/4/2004	Peter Warfield	Public Library	Order of Determination 6/22/04	67.27
5/25/2004	Jane Martin	Public Utilities Commission	Order of Determination 8/24/04	Dismiss
5/27/2004	John Darmanin	Fire Department	Order of Determination 6/22/04	67.15(a) (b) (c)
6/1/2004	Peter Warfield	Public Library/Redaction	Order of Determination 6/22/04	67.24, 67.26
7/6/2004	John Kelly	Department of Building Inspection	Order of Determination 7/27/04	Order rescinded
7/7/2004	Matthew Hirsch	Mayor's Office	Order of Determination 7/27/04	67.21(b)
8/3/2004	Peter Warfield	Public Library	Order of Determination 8/24/04	Dismiss
8/3/2004	Peter Warfield	Public Library	Order of Determination 8/24/04	Dismiss
8/3/2004	Peter Warfield	Public Library	Order of Determination 8/24/04	Dismiss
8/3/2004	John Kelly	Department of Building Inspection	Withdrawn	
10/10/2004	Roland Sheppard	PUC	No violation	
11/2/2004	Peter Warfield	Public Library	Motion of violations failed	
12/7/2004	Luce Forward on behalf of Sean Keighran	Supervisor Maxwell's Office	Conducted hearing	No action taken
12/7/2004	Luce Forward on behalf of Joe Cassidy	Supervisor Maxwell's Office	Action Pending	
12/16/2004	Joseph Engler	Police Department	Action Pending	
12/20/2004	Anonymous Letter	Ethics Commission	Action Pending	
12/7/2004	Brinkman, et al	GG Park Authority Concourse	Action Pending	

## **II. MEMBERSHIP**

The Task Force reorganizes each May and elects new officers.

Officers of the Task Force beginning May 2004:

Garrett Jenkins served as Chair  
Alexandra Nickliss served as Vice-Chair

The Task Force has 11 seats, four of which are dedicated:

- The Society of Professional Journalists has one seat for an attorney and one for a member of the media.
- The League of Women Voters has one seat.
- The New California Media has one seat.
- The other members must have demonstrated consumer involvement or community activism.
- At least one person with a physical disability is required by the Sunshine Ordinance to be a member of the Task Force.
- The Board of Supervisors appoints members for two-year terms.
- There are two ex-officio members—one appointed by the Mayor and the other by the Clerk of the Board.
- The gender breakdown of the Task Force for 2004 was six females and five males.
- The ethnic breakdown of the Task Force for 2004 was two African-Americans, one Hispanic, and eight Caucasians.
- See Section VII, Addenda #1 for a membership listing.

## **III. ORGANIZATION & COMMITTEE STRUCTURE**

The Task Force was reorganized in May 2000 around three activities:

- (1) Education of City/County staff to assure compliance with their obligations;
- (2) Outreach and public education to assure knowledge regarding the public's right to access to records and participation in the public decision-making process;
- (3) Enforcement of public access and participation laws.

To that end it was decided that an organizational structure around committees would (and has) facilitated the work of the Task Force:

- (1) A Rules Committee was established to develop by-laws-procedures so the Task Force's work could proceed in an orderly way. As with all committees, recommendations for action are made to the full Task Force for final action. The Rules Committee reviewed and approved its mission statement and work program in September to:
  - Monitor the ability of the Sunshine Ordinance Task Force to easily and properly consider and take action on agenda items and complaints;
  - Monitor how easily and fully the public participate in the workings of the Sunshine Ordinance Task Force through availing themselves of public comment, filing complaints, and cooperation in investigation of complaints;
  - Suggest changes to simplify, clarify, and/or improve the efficiency of both the full Sunshine Ordinance Task Force and its respective sub-committees; and
  - Review the rules and procedures of the Task Force annually.
- (2) Public Education and Information: Unless the public is aware of its rights to access to information and participation, the value of the ordinance would be minimal. Therefore, a Public Information and Education Committee was created whose purpose is what its name says. The Committee Work Plan was approved in September 2004 and amended by the Task Force in October 2004. The Committee will oversee the preparation and publication informational addressing the following topics:
  - The rights of citizens and the responsibilities of City officials and departments under the Sunshine Ordinance;
  - The rights of citizens and the responsibilities of non-profit organizations under Admin Code Section 12L;
  - The procedures for requesting documents and/or access to meetings as mandated by the Sunshine Ordinance; and
  - The procedures for filing a petition with the Task Force and what to expect at a hearing.
- (3) Complaint Committee: If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee to determine jurisdiction. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will be invited to state their respective cases and to answer questions put by members of the Task Force, following which an Order of Determination will be issued. See Section VII, Addenda # 2 for a copy of the complaint form. The Complaint Committee reapproved its Mission and Work Plan in October 2004. The Complaint Committee shall:

- Thoroughly review petitions/complaints submitted to the Task Force so as to ensure their prompt and satisfactory resolution;
- Make a determination regarding subject matter jurisdiction after hearing the recommendation made by the City Attorney;
- Where the SOTF has jurisdiction and a hearing has been requested, the committee will prepare for the hearing by identifying pertinent legal questions and requesting the necessary legal research, identifying key issues for questionings at the hearing, making sure that all of necessary and other helpful parties have been invited to the hearing, and assisting in the determination of possible conflicts of interest;
- Where the SOTF has jurisdiction and no hearing has been requested, the committee will first ask the SOTF Administrator to ask the complainant if they want a hearing held on their complaint, and if no hearing is desired, the committee will make an Order of Determination based on the petition/complaint, supporting materials, the response of the City entity in question, and any other relevant information for recommendation to the full SOTF;
- Work with the SOTF Administrator and legal counsel to further the best level of communication between the SOTF, members of the public and representatives of the City policy body most knowledgeable about the allegations made in a complaint; and

From the complaints received from community members, the Task Force issued at total of 15 Orders of Determinations, thirteen to City departments and two to Commissions.

- (4) Compliance & Amendments Committee: This Committee was appointed in 2002. The Compliance & Amendments Committee and Task Force reviewed, approved and amended the Committee Work Plan in 2004 and shall:
- Thoroughly review the Orders of Determination adopted by the SOTF, and when appropriate, schedule public hearings to ensure their prompt and satisfactory compliance;
  - Report to the SOTF regarding compliance of each Order of Determination;
  - Work with the SOTF Administrator and legal counsel to obtain compliance with Orders of Determination;
  - Where non-compliance has been found, make recommendations to the SOTF for resolution;
  - Consider and make recommendations to the Task Force from staff and community members regarding amendments to the Sunshine Ordinance, and when appropriate, hold public hearings to invite comment on proposals for amendments;

- Distribute information to non-profits covered under Administrative Code Chapter 12L;
- Other duties as may be determined by the committee or assigned by the full SOTF;
- Ensure that the SOTF, the SOTF Administrator and the City Attorney are all following the complaint procedure. This includes providing assistance in making sure that the City representatives are cooperating with requests for responses to complaints and sending a representative to the hearings;
- Review and revise the complaint procedure as needed, and make recommendations to the full SOTF regarding any proposed changes;
- Address any additional concerns regarding the complaint process and make recommendations for reform to the full SOTF; and
- Other duties as may be determined by the committee or assigned by the full SOTF.

The Chair of the Task Force appoints committee chairs as well as its members. Each member of the Task Force must also be a member of a committee.

Ad Hoc Committees are appointed as needed. There have been Ad Hoc Committees to deal with email; conflict of interest; suggested Sunshine Ordinance provisions for the City College Board, and proposed amendments to the Sunshine Ordinance.

#### **IV. ADDENDA**

1. Membership of Task Force
2. Complaint Form and Overview of Procedures
3. Sunshine Ordinance Task Force Web Page

4/28/05



**SUNSHINE ORDINANCE TASK FORCE  
MEMBERS  
4/2004 (Terms expire 4/27)**

Seat 1	Erica L. Craven Term expires 4/06 District 8	Submitted by the local chapter of the Society of Professional Journalists and be an attorney Appt 8/25/04 to fill unexpired term of N. Dogwill N. Dogwill appointed 4/5/04
Seat 2	Richard Knee Term expires 4/06 District 3	Submitted by the local chapter of the Society of Professional Journalists and be a journalist Appt 5/3/02/reappt 4/15/04
Seat 3	Sue Cauthen Term expires 4/06 District 3	Member of the press or electronic media with an interest in citizen access Appt 5/3/02; reappt 5/15/04
Seat 4	Rosalina Contreras-Rosado Term expires 4/05 District 11	Appointed from names by New California Media; be a journalist from a racial/ethnic-minority-owned news organization Appt 10/26/04 to fill unexpired term of P. Mehra P. Mehra appointed 5/9/03
Seat 5	Heather Sterner Term expires 4/06 District 2	Submitted by the League of Women Voters Appt 12/7/01; reappt 4/15/04
Seat 6	Doug Comstock Term expires 4/06 District 5	Experienced in consumer advocacy Appt 5/3/02; reappt 4/15/02
Seat 7	David Pilpel Term expires 4/06 District 4	Experienced in consumer advocacy Appt 4/15/04
Seat 8	Garrett Jenkins Term expires 4/06 District 6	Demonstrated interest in or has experience in the issues of citizen access and participation in local government Appt 5/3/02; reappt 4/15/04
Seat 9	David Parker Term expires 4/06 District 7	Demonstrated interest in or has experience in the issues of citizen access and participation in local government Appt 5/3/02; reappt 4/15/04
Seat 10	Alexandra Nickliss Term expires 4/06 District 7	Demonstrated interest in or has experience in the issues of citizen access and participation in local government Appt 5/3/02; reappt 4/15/04

Seat 11	Marjorie Ann Williams Term expires 4/05 District 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government Appt 5/25/01; reappt 5/9/03
	Gloria Young	Clerk of the Board or her designee (non-voting)
	Vacant	Mayor or his designee (non-voting)

J:\Sunshine Ordinance Task Force\Sotf\_current\MEMBERS\Mbrs.dist&seats 02-03.doc

## Sunshine Ordinance Task Force

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Donna Hall, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters which cannot be adequately resolved, or matters which involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

Donna Hall, Administrator

—

SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
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**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or

Commission \_\_\_\_\_

Name of individual contacted at Department or

Commission \_\_\_\_\_

\_\_\_\_\_ Alleged violation public records access

\_\_\_\_\_ Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance

Section \_\_\_\_\_

(If known, please cite specific provision being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Do you wish a public hearing before the Sunshine Ordinance Task Force? \_\_\_\_\_ yes \_\_\_\_\_ no.

(Optional)

Your name \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

Telephone \_\_\_\_\_ If anonymous, please let us know how to contact you.

Signature \_\_\_\_\_

### **Filing a Complaint with the Sunshine Ordinance Task Force**

1. You may fill out a Complaint Form, or you may send your own letter filing a formal complaint. The complaint is filed with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689. (Fax # 415 554 7854)
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
  - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
  - If the complainant submits any additional material after the seven day deadline, the complainant will be informed that
    - The Task Force may proceed without considering the new material, or
    - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
    - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
    - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
    - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Donna Hall at (415) 554 7724.

## **ADDENDA #3**

### **WEB**

In 2004 the Sunshine Ordinance Task Force has a web page was accessed by over 35,023 persons. The web page consists of:

- Current agendas and minutes
- Special meeting notices
- Past years' agendas and minutes
- Public records listing and retention schedule
- By-laws of the Task Force

Information on:

- The Sunshine Ordinance
- Membership of the Task Force
- Committee structure of the Task Force
- Non-profit requirements
- Duties and responsibilities of the Task Force
- How to file a complaint with the Task Force
- Frequently asked questions

SUNSHINE ORDINANCE TASK FORCE  
2005 ANNUAL REPORT  
TO THE BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

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**I. SUMMARY**

The Sunshine Ordinance Task Force continued to undertake an extensive review of the Sunshine Ordinance and proposed amendments. The Task Force administered a survey to City Departments to collect data pertaining to amendments to the Sunshine Ordinance.

The Task Force was also involved in discussions with the San Francisco Community College District Board of trustees relative to adopting portions of the Sunshine Ordinance and on how Proposition 59 (November 2004) should guide them in their efforts to comply with the requirements of the Sunshine Ordinance.

The Task Force also held discussions regarding the San Francisco Unified School District's Open Government Policy, and recommended certain amendments to their policy. Finally, pursuant to Board of Supervisors Resolution No. 562-05 (File #051299) the Task Force encouraged the San Francisco Redevelopment Agency to adopt their draft Public Records Policy, and also that the Task Force be consulted with regards to any future amendments to that Policy.

In 2005, the Task Force conducted 11 meetings and its committees conducted 35 meetings.

**II. ACCOMPLISHMENTS**

- Developed and sent survey's to City Departments and Agencies to obtain input regarding proposed amendments to the Sunshine Ordinance. Continued discussion regarding proposed amendments will occur in 2006.
- The Task Force conducted joint meetings with members of the San Francisco Community College Board to discuss adoption of portions of the Sunshine Ordinance.
- The Task Force had discussions regarding members of the public making harassing or discriminatory comments at or during public meetings.
- The Task Force urged the Board of Supervisors to vote against two proposed Charter Amendments (File #050930 and 050925): 1) authorizing City departments to post notices on department web sites rather than in the official newspaper, and 2) establishing Minimum Qualification for members of City bodies that oversee and administer election, campaign

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finance, lobbying, conflict of interest, open meeting, and public records laws.

- Task Force Members met with several members of the press to discuss the role of journalists and Sunshine Ordinance.
- The Public Education & Information Committee was renamed the Education, Outreach and Training Committee and began updating its Mission Statement and Work Program to better reflect its function and mission.
- Responded to a total of 2,551 public inquiries. 100% of Sunshine Requests made to the Task Force were responded to within 5 days.
- There was an increase in the number of complaints filed in 2005 from 25 to 40 complaints. This may be a result of proactive measures taken to educate the public regarding their options with regard to alleged departmental non-compliance with Open Government laws.
- The Complaint Committee revised the complaint procedures used by the Task Force.
- From the 41 complaints received from community members, the Task Force issued a total of 28 Orders of Determinations, 19 to City departments and nine to a Commission.

### III. COMPLAINTS RECEIVED OR ADJUDICATED DURING 2005

Date Received	Complainant	Department	Status	Violation
12/7/2004	Roland Sheppard (#05001)	Public Utilities Commission	Order of Determination 1/25/05 dismissing complaint	None
12/7/2004	Luce Forward on behalf of Joe Cassidy (#05002)	Supervisor Maxwell's Office	Order of Determination 1/25/05 dismissing complaint	None
12/7/2004	Luce Forward on behalf of Sean Keighran (#05003)	Supervisor Maxwell's Office	SOTF Hearing 1/25/05. Letter 1/31/05 (No action taken).	No Action
12/7/2004	Cheryl Brinkman, Pat Christensen, Sue Vaughan (#05004)	Golden Gate Park Concourse Authority	Order of Determination 1/25/05 (Violation)	67.6 (f)
12/16/2004	Joseph Engler (#05005)	Police	Order of Determination 1/25/05 (Violation)	67.21 (b), 67.24 (c), 67.27 (a) and (c).



Date Received	Complainant	Department	Status	Violation
12/20/2004	Anonymous Letter (#05006)	Ethics Commission	Order of Determination 2/23/06 (Violation)	67.6 (f)
1/5/2005	Curtis Eisenberger, Fred Snyder (#05009)	City Planning	Order of Determination 2/23/05 (Violation)	67.21, 67.25
1/27/2005	Ben Rosenfeld (#05010)	Sheriff	Order of Determination 2/23/05 (Violation)	67.21, 67.24 (b), 67.27
2/2/2005	Dr. Ahimsa Porter Sumchai (#05011)	Supervisor Maxwell's Office	Order of Determination 3/22/05 (No Violation)	None
2/2/2005	Jon Golinger (05012)	Port Commission	Closed; did not want to pursue the complaint (2/18/05)	None
2/16/2005	Joseph Engler (#05013)	Police	Order of Determination 3/22/05 (Violation)	67.21 (b), 67.24 (c), 67.27 (a) and (c),
2/28/2005	Anonymous Letter (#05014)	Municipal Transportation Agency	Withdrew complaint	None
4/25/2005	John Darmanin (#05015)	Fire Commission	Task Force 7/26/05 (Complaint Dismissed)	None
4/25/2005	John Darmanin (#05016)	Fire Commission	Order of Determination 7/26/05 (Complaint Dismissed)	None
5/4/2005	John Kelly (#05017)	Treasurer-Tax Collector	Order of Determination 5/26/05 (Violation)	67.21
5/13/2005	John Darmanin (#05018)	Fire Commission	Task Force 7/26/05 (Complaint Dismissed)	None
6/6/2005	John Kelly (#05019)	Police	Complaint Withdrawn 8/16/05	None
6/6/2005	John Kelly (#05020)	Controller	Complaint Withdrawn 7/10/05	None
6/15/2005	Richard Midgett (#05021)	Controller	Order of Determination 9/27/05 (Complaint Dismissed)	None
6/27/2005	Micki Jones (#05022)	Fire	Order of Determination 7/26/05 (Violation)	67.21 (b); 67.24 (c)(7); 67.27 (a) and (c),
6/15/2005	Dr. Nataraj Akkiraju (#05023)	Public Utilities Commission	Complaint Withdrawn 10/3/2005	None



Date Received	Complainant	Department	Status	Violation
6/28/2005	Todd Wallack (#05024)	Human Services	Complaint Withdrawn 7/6/05	None
7/11/2005	Juan De Anda (#05025)	Public Health	Order of Determination 8/23/05 (No Violation)	None
7/17/2005	Patrick Monette-Shaw (#05026)	Mayor's Long Term Care Coordinating Council	Order of Determination 8/23/05 (No Violation)	None
7/20/2005	James Keys (#05027)	Mayor's Office	Order of Determination 8/23/05 (No Violation)	None
7/22/2005	Tom Feledy (#05028)	Human Resources and Police	Order of Determination 8/23/05 (No Action Taken)	No Action
7/22/2005	Tom Feledy (#05028A)	Civil Service Commission	Letter 8/25/05 (No Action Taken)	No Action
8/2/2005	John Kelly (#05029)	District Attorney	Order of Determination 10/25/05(Violation)	67.21 (a) and (b)
8/3/2005	Todd Wallack (#05030)	Assessor-Recorder	Order of Determination 9/27/05 (Violation)	67.25; 67.28
8/22/2005	Karen Fishkin, Robert Planthold (#05031)	Mayor's Office of Criminal Justice	Order of Determination 9/27/05 (Violation)	67.21 (b), 67.24 (e)(1)
9/7/2005	Christopher Willers (#05032)	Zoological Society	Order of Determination 10/25/05 (Violation)	67.25
9/8/2005	Joseph Engler (#05033)	Civil Service Commission	Complaint Withdrawn 11/21/05	None
9/13/2005	Justin Augustine (#05034)	Animal Care and Control	Order of Determination 11/22/05 (Technical Violation)	67.21
9/13/2005	James Chaffee (#05035)	Board of Supervisors	Complaint Withdrawn 9/26/05	None
10/4/2005	Espanola Jackson (#05036)	Board of Supervisors	Order of Determination 11/22/05 (No Violation)	None
10/11/2005	Sue Cauthen (#05037)	Municipal Transportation Agency	Order of Determination 1/24/06 (No Violation)	None





Date Received	Complainant	Department	Status	Violation
10/19/2005	David Parker (#05038)	Police	Order of Determination 11/22/05 (Violation)	67.21, 67.24 (i), Cal Gov Code 6254 (g)
11/10/2005	Louis Dillon (#05039)	Recreation and Parks	Order of Determination 1/3/06 (Violation)	67.7; 67.7-1; 67.15
11/29/2005	Juan De Anda (#05040)	Public Health	Order of Determination 1/24/06 (No Violation)	None
12/13/2005	John Wickham (#05041)	Parking & Traffic	Complaint Withdrawn 2/28/06	None
12/19/2005	Steve Lynch (#05042)	Fire	Order of Determination 2/28/06 (Technical Violation)	67.25

#### IV. MEMBERSHIP

The Task Force reorganizes each May and elects new officers.

Officers elected May 2004:

Garrett Jenkins, Chair  
Alexandra Nickliss, Vice-Chair

Garrett Jenkins resigned from the Task Force in March 2005

Officers of the Task Force beginning May 2005:

Doug Comstock served as Chair  
Erica Craven served as Vice-Chair

The Task Force has 11 seats, four of which are dedicated:

- The Society of Professional Journalists has one seat for an attorney and one for a member of the media.
- The League of Women Voters has one seat.
- The New California Media now called New America Media has one seat. Seat 4 remained vacant during the year.
- The other members must have demonstrated consumer involvement or community activism.
- At least one person with a physical disability is required to be a member of the Task Force.
- The Board of Supervisors appoints members to fixed two-year terms.



- There are two non voting ex-officio members—one appointed by the Mayor and the other by the Clerk of the Board. The Mayor has not appointed an ex-officio member to that seat.
- The gender breakdown of the Task Force for 2005 was four females and six males.
- The ethnic breakdown of the Task Force for 2005 was one African-American, and nine Caucasians.
- See Section VII, Addendum #1 for a membership listing.

## V. ORGANIZATION & COMMITTEE STRUCTURE

The Task Force was four Standing Committees:

- (1) **Complaint Committee:** If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee for a hearing to determine whether the Task Force has jurisdiction over the complaint. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will state their respective cases and answer questions from members of the Task Force; afterwards an Order of Determination will be issued. See Section VII, Addendum # 2 for a copy of the complaint form.

Members of the Complaint Committee in 2005 were: Sue Cauthen (Chair); David Pilpel; Bruce Wolfe.

The Complaint Committee shall:

- Thoroughly review petitions/complaints submitted to the Task Force so as to ensure their prompt and satisfactory resolution;
- Make a determination regarding subject matter jurisdiction after hearing the recommendation made by the City Attorney;
- Where the SOTF has jurisdiction and a hearing has been requested, the committee will prepare for the hearing by identifying pertinent legal questions and requesting the necessary legal research, identifying key issues for questionings at the hearing, making sure that all of necessary and other helpful parties have been invited to the hearing, and assisting in the determination of possible conflicts of interest;
- Where the SOTF has jurisdiction and no hearing has been requested, the committee will first ask the SOTF Administrator to ask the complainant if they want a hearing held on their complaint, and if no hearing is desired, the committee will make an Order of Determination based on the petition/complaint, supporting materials, the response of the City entity in question, and any other relevant information for recommendation to the full SOTF;



- Work with the SOTF Administrator and legal counsel to further the best level of communication between the SOTF, members of the public and representatives of the City policy body most knowledgeable about the allegations made in a complaint.
- (2) Compliance & Amendments Committee: The Committee was appointed in 2002. This Committee monitors compliance with the Orders of Determinations adopted by the Task Force and recommends to the Task Force amendments to the Sunshine Ordinance.

Members of the Compliance and Amendments Committee in 2005 were: Richard Knee (Chair), Erica Craven; Doug Comstock.

The Compliance & Amendments Committee shall:

- Thoroughly review the Orders of Determination adopted by the SOTF, and when appropriate, schedule public hearings to ensure their prompt and satisfactory compliance;
- Report to the SOTF regarding compliance of each Order of Determination;
- Work with the SOTF Administrator and legal counsel to obtain compliance with Orders of Determination;
- Where non-compliance has been found, make recommendations to the SOTF for resolution;
- Consider and make recommendations to the Task Force from staff and community members regarding amendments to the Sunshine Ordinance, and when appropriate, hold public hearings to invite comment on proposals for amendments;
- Distribute information to non-profits covered under Administrative Code Chapter 12L;
- Other duties as may be determined by the committee or assigned by the full SOTF;
- Ensure that the SOTF, the SOTF Administrator and the City Attorney are all following the complaint procedure. This includes providing assistance in making sure that the City representatives are cooperating with requests for responses to complaints and sending a representative to the hearings;
- Review and revise the complaint procedure as needed, and make recommendations to the full SOTF regarding any proposed changes;
- Address any additional concerns regarding the complaint process and make recommendations for reform to the full SOTF; and
- Other duties as may be determined by the committee or assigned by the full SOTF.



The Chair of the Task Force appoints committee chairs and its members. Each member of the Task Force must also be a member of a committee.

Ad Hoc Committees are appointed as needed. There have been several Ad Hoc Committee meetings to deal with suggested Sunshine Ordinance provisions for the City College Board, access to public meetings and public records at the San Francisco Community College District, and the San Francisco Unified School District's proposed Open Government Policy.

- (3) Education, Outreach, and Training Committee: Unless the public is aware of its right of access to information and participation, the value of the ordinance would be minimal. Therefore, Education, Outreach and Training Committee was created whose purpose is to oversee the preparation and publication of information.

Members of the Education, Outreach, and Training Committee in 2005 were: David Pilpel (Chair); Bruce Wolfe; and Nicholas Mueller.

The Education, Outreach, and Training Committee's mission is to address:

- The rights of citizens and the responsibilities of City officials and departments under the Sunshine Ordinance;
  - The rights of citizens and the responsibilities of non-profit organizations under Admin Code Section 12L;
  - The procedures for requesting documents and/or access to meetings as mandated by the Sunshine Ordinance; and
  - The procedures for filing a complaint with the Task Force and what to expect at a hearing.
- (4) A Rules Committee was established to develop by-laws-procedures so the Task Force's work could proceed in an orderly way. As with all committees, recommendations for action are made to the full Task Force for final action.

Members of The Rules Committee in 2005 were: Heather Sterner (Chair); David Parker; Bruce Wolfe

The Rules Committee's mission is to:

- Monitor the ability of the Sunshine Ordinance Task Force to easily and properly consider and take action on agenda items and complaints;
- Monitor how easily and fully the public participate in the workings of the Sunshine Ordinance Task Force by availing themselves of public comment, filing complaints, and cooperation in investigation of complaints;
- Suggest changes to simplify, clarify, and/or improve the efficiency of both the full Sunshine Ordinance Task Force and its subcommittees; and





- Review the rules and procedures of the Task Force annually.

## **VI. ADDENDA**

1. Membership of Task Force
2. Complaint Form and Overview of Procedures
3. Sunshine Ordinance Task Force Web Page



**SUNSHINE ORDINANCE TASK FORCE  
MEMBERS DURING 2005  
(Terms expire 4/27)**

Seat 1	Submitted by the local chapter of the Society of Professional Journalists and be an attorney. Appt 8/25/04 to fill unexpired term of N. Dogwill. N. Dogwill appointed 4/5/04 and resigned 6/04	Erica L. Craven Term ends 4/06 District 8
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Seat 3	Member of the press or electronic media with an interest in citizen access. Appt 5/3/02; re-appointed 5/15/04	Sue Cauthen Term ends 4/06 District 3
Seat 4	Appointed from names submitted by New California Media now know as New America Media; be a journalist from a racial/ethnic-minority-owned news organization. Appt 10/26/04 to fill unexpired term of P. Mehra. P Mehra appointed 5/9/03. R Contreras-Rosado resigned in 1/05	Rosalinda Contreras-Rosado Term ends 4/07 District 11
Seat 5	Submitted by the League of Women Voters. Appt 12/7/01; re-appointed 4/15/04	Heather Sterner Term ends 4/06 District 2
Seat 6	Experienced in consumer advocacy. Appt 5/3/02; re-appointed 4/15/04	Doug Comstock Term ends 4/06 District 5
Seat 7	Experienced in consumer advocacy. Appt 4/15/04	David Pilpel Term ends 4/06 District 4
Seat 8	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05 to fill the unexpired term of Garrett Jenkins. G Jenkins re-appointed 4/15/04 and resigned 3/05	Bruce Wolfe Term ends 4/06 District 5
Seat 9	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 5/3/02; re-appointed 4/15/04, resigned 12/1/05	David Parker Term ends 4/06 District 7
Seat 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05 to fill unexpired term of Alexandra Nickliss. A. Nickliss re-appointed 4/15/04, resigned 4/05	Nick Mueller Term ends 4/06 District 8
Seat 11	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 5/25/01; re-appointed 5/9/03; re-appointed 6/2/05	Marjorie A. Williams Term ends 4/07 District 10
	Clerk of the Board or her designee (non-voting)	Gloria Young
	Mayor or his designee (non-voting)	Vacant





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The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Frank Darby, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters that cannot be adequately resolved, or matters that involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

**Notice:** Personal information that you provide is subject to disclosure under the California Public Records Act and the Sunshine Ordinance, except when confidentiality is specifically requested. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).





1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

### SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission \_\_\_\_\_  
Name of individual contacted at Department or Commission \_\_\_\_\_

\_\_\_\_\_ Alleged violation public records access  
\_\_\_\_\_ Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance Section \_\_\_\_\_  
(If known, please cite specific provision being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you wish a public hearing before the Sunshine Ordinance Task Force? \_\_\_\_ yes \_\_\_\_ no.

(Optional)<sup>1</sup>  
Your name \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

Telephone \_\_\_\_\_ If anonymous, please let us know how to contact you.

Signature \_\_\_\_\_

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. COMPLAINANTS CAN BE ANONYMOUS AS LONG AS THE COMPLAINANT PROVIDES A RELIABLE MEANS OF CONTACT WITH THE SOTF (PHONE NUMBER, FAX NUMBER, OR E-MAIL ADDRESS).







### **Filing a Complaint with the Sunshine Ordinance Task Force**

1. You may fill out a Complaint Form, or you may send your own letter filing a formal complaint. The complaint is filed with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689. (Fax # 415 554 7854)
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
  - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
  - If the complainant submits any additional material after the seven day deadline, the complainant will be informed that
    - The Task Force may proceed without considering the new material, or
    - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
    - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
    - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Frank Darby at (415) 554 7724.



## **SUNSHINE ORDINANCE TASK FORCE**

### **WEB SITE INFORMATION**

In 2005 the Sunshine Ordinance Task Force web page received 405,404 hits. The web page consists of:

- Current agendas and minutes
- Meeting notices
- Past years' agendas and minutes
- Public records listing and retention schedule
- By-laws of the Task Force
- Other related documents and information

Information on:

- The Sunshine Ordinance
- Membership of the Task Force
- Committee structure of the Task Force
- Non-profit requirements (Administrative Code, Chapter 12L)
- Duties and responsibilities of the Task Force
- Complaint Procedures and Form
- Frequently asked questions



SUNSHINE ORDINANCE  
TASK FORCE



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
Fax No. 415) 554-7854  
TDD/TTY No. (415) 554-5227

April 11, 2008

Aaron Peskin, President  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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**Re: Annual Report 2006 and 2007**

This is to clarify that this report is for calendar years 2006 and 2007.

It is the intent of the SOTF that this Annual Report also include a summary of the compliance problems that we continually encounter. This is a departure from the normal course, but the Task Force determined that, to fulfill our mission pursuant to §67.30(c) and, in consideration of the extreme caseload and repetitive nature of some of the complaints, a full report must include such an account. For that purpose, some incidents of 2008 are discussed.

There are also two addendum items:

- Graph showing the increase in the caseload before the Task Force
- Letter to Chief Hayes-White from our lawyer on the SOTF, Erica Craven, Esq.

The letter explains the position of the Sunshine Ordinance Task Force regarding the retention, release and redaction of employees' and officials' calendars so that the Fire Department might respond more completely, we feel that it is instructive to all departments.

If there are any questions or concerns, please contact the Administrator, Frank Darby or myself at (415) 554-7724.

Thank you for your patience,

A handwritten signature in dark ink, appearing to read "Doug Comstock".

Doug Comstock  
Chair, Sunshine Ordinance Task Force

Cc: Mayor Gavin Newsom  
District Attorney Kamala Harris  
City Attorney Dennis Herrera  
Ethics Commission



# SUNSHINE ORDINANCE TASK FORCE

## 2006-2007 COMBINED ANNUAL REPORT

### TO THE

### BOARD OF SUPERVISORS

### CITY AND COUNTY OF SAN FRANCISCO

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#### SUMMARY

The Sunshine Ordinance Task Force is pleased to present this Annual Report summarizing progress, activities, and findings of significance for 2007 and 2007.

In general, we find many examples of city employees and departments working diligently with the public to provide access to documents and information. In particular, our own very capable SOTF administrator, Frank Darby, was able to resolve many potential open government conflicts through mediation, conserving city resources while satisfying all parties.

2006 and 2007 were exceptionally busy years, with four conflicts carried over from 2005; thirty-five new complaints in 2006; and ninety-two new complaints in 2007. Sixty-three hearings were conducted to resolve these complaints. Hearing packets often exceeded three hundred pages, requiring an extraordinary level of commitment to open government from all members of the SOTF. Efforts are being made to streamline the packet materials circulated for the consideration of the Task Force without compromising the necessity of providing Members with the essential documentation required for their informed consideration.

The Task Force is grateful to San Francisco's community of sunshine advocates, who have raised and pursued a number of significant issues including access to officials' calendars (see addendum item #2) and website posting in native electronic format. These interested individuals have helped the Task Force advance its mandated goal of bringing greater sunshine to city government, even when, at times, their enthusiasm earned legitimate criticism.

2006 and 2007 SOTF accomplishments were challenged by unprecedented budget cuts; legal staff was cut back as a result. Deputy City Attorney Llorente continues to serve the Task Force dependably despite being part-time, providing much valued written and oral legal advice.

There are a number of persistent issues and patterns of non-compliance that continue to concern the Task Force. The Task Force has been giving these problems serious consideration, and is working diligently to formulate effective solutions through appropriate amendments to the ordinance.





We bring to your attention four issues we regard as serious enough to warrant the Board's attention and action. We recommend remedial actions for each finding below, and discuss each in detail in Section III of this document. The Task Force looks forward to discussing each issue with the Board and working with it to arrive at appropriate and effective solutions in the near future to the problems they present. You may contact the Chair through the SOTF office at 544-7724.

<b>1.</b>	<b>SOTF and the City Attorney's office would benefit from proactive coordination, which would decrease the workload costs of the City Attorney, the Task Force, and every city department.</b>
	The SOTF needs a process to work with the City Attorney with the goal of providing consistent, predictable advice to departments. The City Attorney has provided departments with a clear, concise Good Government Guide to help them understand their sunshine responsibilities. Major problems occur when the advice of Deputy City Attorneys conflicts with the handbook, or disagrees with the findings and rulings of the Task Force. Because department personnel rely on the advice of their assigned attorneys, they may follow that advice and still be found in violation of the Ordinance.
	ACTION: In early 2008, the SOTF Chairman will propose a meeting with the City Attorney to discuss the creation of a detailed coordinating policy and communication plan. We request representation from the President of the Board of Supervisors and the Mayor's Office.
<b>2.</b>	<b>Sufficient legal resources would provide the Task Force with analysis needed to rule on complex points of law.</b>
	The SOTF needs the restoration of its full-time legal counsel with the added responsibility, when requested by the Task Force, to furnish the Task Force with timely, neutral, authoritative memoranda of law on any disputed legal issue critical to a determination of a violation, and order to disclose public records, or the violation of the public meetings laws. More resources within the City Attorney's Office must be made available on an as-needed basis to the SOTF.
	ACTION: In early 2008, the SOTF Chairman will propose a meeting with the City Attorney to discuss the staffing needs of the SOTF.
<b>3.</b>	<b>Active communication and coordination with the Ethics Commission will create a more efficient and effective open government enforcement process.</b>
	The effective enforcement of open government laws relies on a fair, judicious process along with efficient punitive measures. The Sunshine Ordinance relies on the Ethics Commission to levy fines or other measures in response to findings of violation of the law. Unfortunately, due to ambiguities in the Ordinance, and failure to weigh factual findings made by the Task Force, the Ethics Commission has failed to enforce the Task Force's findings of willful failure to comply with the Ordinance, constituting official misconduct.



	ACTION: The Task Force intends to amend the Ordinance to provide more clarity and structure with respect to findings of willful violation and official misconduct and provide additional guidance to the Ethics Commission for enforcement referrals from the Task Force. The Task Force has and will continue to invite testimony and input from the staff of the Ethics Commission in order to increase cooperation and communication between the bodies.
<b>4.</b>	<b>SOTF's leadership and direction in the operational aspects of open government could provide a much-needed resource for departments resulting in compliance cost savings.</b>
	Given sufficient resources, we believe that the SOTF's administrative staff could be much-needed leaders for all aspects of open government operations, including web site archiving, process for efficiently responding to requests, and technical expertise.
	ACTION: The Executive Secretary to assist the Task Force is a helpful addition to the staff at SOTF and the Clerk of the Board, Angela Calvillo is to be commended for her attention to this problem and to the details of the acquisition. We also request that the Board authorize sufficient additional funding to enable the Task Force to design and implement a record-keeping system for administration of the Ordinance that may serve as a model to all other city agencies for systems that will further facilitate and improve compliance with Sunshine requests.

Finally, the Task Force is in the process of formulating recommendations for amendments to the Ordinance. We continue to seek input from the Board as well as every department and policy body for a workable resolution to the findings outlined via the amendment process. The Task Force has recommended four of the five sections for presentation to the Board. The updated text of the amendments is available on the SOTF website. We encourage everyone to read them and send comments to the Task Force.

### ACCOMPLISHMENTS

- ❑ The Sunshine Ordinance Task Force continued to undertake an extensive review and discussion of the Sunshine Ordinance and propose amendments in order to clarify and streamline processes.

Thirty-five complaints were filed by community members in 2006 and 101 were filed in 2007. Of the 25 Orders of Determination issued by the Task Force in 2006; 22 went to city departments and three went to commissions. In 2007, 53 Orders of Determination were issued. Of those 47 went to departments and six went to commissions.

- ❑ The SOTF administrator responded to a total of 5,948 public inquiries.



- ❑ One hundred percent of sunshine requests made to the Task Force were responded to within five days.
- ❑ Forty-two potential complaints were resolved through mediation initiated by the SOTF administrator.
- ❑ The SOTF's Deputy City Attorney provided over 228 pieces of written legal analysis on open government complaints.
- ❑ The Compliance & Amendments Committee follows up on Orders of Determination to assure compliance and reviews the ordinance for amendment by the voters. Page 20 of this report provides a thorough account of its activities.
- ❑ The Complaint Committee reviewed and focused 35 complaints in March through December 2006, and 88 complaints during 2007. Before forwarding the complaints to the Full Task Force for hearing, the Committee was able to successfully mediate a number of them, resulting in more efficient hearings overall.
- ❑ The Web site for the SOTF was redesigned to provide greater access to individuals seeking information regarding open government laws.
- ❑ The Task Force drafted Resolution number 01-06 supporting freelance Blogger/Videographer Joshua Wolf's right, as a journalists, to protect source identities and to keep possession of unpublished/unaired materials. This resolution echoed the resolution of the Board of Supervisors, and urged the Board and the Mayor to express to San Francisco's U.S. Senate and House representatives their support of Federal shield law legislation.
- ❑ Task Force Members met with several members of the press to discuss the role of journalists and Sunshine Ordinance.
- ❑ The Education, Outreach and Training Committee updated its Mission Statement and Work Program to better reflect its function and mission.

## DISCUSSION

Below we have included a detailed discussion of the concerns and related actions that we listed in the summary section. We hope this will give you a thorough understanding of the issues and concerns of the Task Force.

### **1. Proactive coordination with the City Attorney's office will decrease the workload and costs of the City Attorney, the Task Force, and every city department.**

While the Sunshine Ordinance Task Force is empowered by 67.30 (c) to "advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter ... develop appropriate goals to ensure practical and timely implementation of this chapter ... make referrals to a municipal office with enforcement power ... whenever it concludes that any person has violated any provisions of this ordinance or the Acts," many conflicts continue to occur when the City Attorney's Office



gives advice to departments that is not consistent with the precedents and rulings of the Task Force.

While the Task Force is not empowered to make laws regulating the implementation of the Ordinance, it is vested with the implementation and operation of the laws, including advising other City departments and the finding of violations.

The City Attorney, on the other hand, is tasked with advising its clients with respect to the disclosure of documents, and at the same time is required to “act to protect and secure the rights of the people of San Francisco to access public information” (67.21(i)) and is prohibited from acting “as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public.” The City Attorney has had problems separating these two roles and through various means crossed the line from pure advice to active assistance to departments in denying access to public records through (1) ghost-written responses to requestors’ complaints; (2) a policy of providing oral advice on open government laws in an effort to avoid having to disclose its advice to Departments (as required by the Ordinance); (3) refusal to accept SOTF determinations on similar issues; (4) advising departments not to comply with specific orders of determination; and (5) reliance on permissive exemptions to disclosure.

The disputes and differences of opinion often stem from different interpretations of new laws or new legal precedents. They also stem from the fact that the Sunshine Ordinance provides for greater openness than the California Public Records Act (“PRA”), and the City Attorney’s office and departments tend to rely on the more restrictive PRA provisions without sufficient deference to the Ordinance and the intent of the votes in passing Proposition G in November of 2000.

A particular case in point, filed in 2006, involved a complaint against the Clerk of the Board, who, operating under the advice of the City Attorney, refused to provide or post documents on the website in their original electronic format but insisted on releasing information in a non-searchable portable document format (“PDF”) exclusively. The Task Force found the Clerk in violation of the law, particularly for violating a clear provision of the state PRA that mandated release of records in their original electronic format, and ordered the Clerk to release the requested documents in their original format. The Clerk, in an unprecedented manner, calendared the matter at the Board of Supervisors for hearing and subsequent vote by the members. The Board found the Task Force ruling was appropriate, and the Clerk subsequently released the documents in the requested format. While this process, taking individual cases to the Board of Supervisors for final adjudication when a department disagrees with a ruling from the Task Force, is a possible solution, as a precedent for future resolution, it would be an impractical burden for the Board to reconsider each of these disagreements, especially considering the acrimony often displayed in Sunshine disputes. It should be noted that the City Attorney continues to advise departments (other than the Board of Supervisors) to provide documents in PDF format, rather than the original electronic format as requested. Currently this advice is on the City Attorney website.

More generally, the Task Force has noted that the following issues have repeatedly occurred in the past two years and have led to numerous departments, officials and policy bodies being found in violation of the Ordinance (partial list):





1. Retention and recovery of deleted e-mail public records;
2. Redaction of address, phone numbers and e-mail addresses in certain public records;
3. Disclosure of public records in original electronic formats;
4. Disclosure of actual calendars used by public officials;
5. Disclosure of closed investigative files;
6. Disclosure of system back-up and security procedures;
7. Appearance of Respondents to Complaints at hearings and meetings;
8. Public disclosure of closed session information;
9. Information regarding concluded negotiations for contracts or franchises.

The SOTF needs a process to work with the City Attorney with the goal of providing consistent advice to departments on these and other matters. This will decrease the workload and costs of the Task Force and the City Attorney as well as the various Departments who are subject to the major disagreements between these two agencies. In early 2008, the SOTF Chairman will organize a meeting with the City Attorney to discuss the creation of a detailed coordinating policy and communication plan. We request representation from the President of the Board of Supervisors and the Mayor's Office with this effort.

## **2. Sufficient legal resources would provide the Task Force with analysis needed to rule on complex points of law.**

The Task Force is sometimes called on to rule on complex points of law, a problem that is exacerbated by the relatively few legal cases involving California's open government laws, and the paucity of existing cases involving the Sunshine Ordinance. The Task Force is further constrained by the requirement to rule within 45 days on an issue.

The SOTF needs the restoration of its assigned legal counsel to a full-time position with responsibility, when requested by the Task Force, to furnish the Task Force with timely, neutral, authoritative analysis on any disputed legal issue critical to its determination in a particular matter before it. The Task Force would also benefit from access to a legal counsel with meditative skills to assist the administrator in settling disputes before a hearing is required.

## **3. Active communication and coordination with the Ethics Commission will create a more efficient and effective open government enforcement process.**

The Task Force is uniquely mandated to protect the rights of citizens to access information and meetings. However, the Ethics Commission and District Attorney, to which enforcement of determinations of non-compliance are entrusted, have *never* enforced a Task Force finding of non-compliance. The District Attorney and the Attorney General have made it clear that they are not authorized to enforce the provisions of the Sunshine Ordinance, while the Ethics Commission has pointed to ambiguities in the Ordinance that makes its position unclear with respect to enforcement. The Board of Supervisors may have the resources to deal with enforcement, but there has been no clear indication of the willingness or a process to undertake such matters.



The Ethics Commission, which has not enforced any of the matters referred over the past eight years, has often come to the conclusion “Dismissed because facts did not support finding of violation.” The Task Force has no means to determine what facts were considered or how the Ethics Commission determined there was no violation.

Without a means to enforce its findings, the Task Force remains purely advisory in its capacity. The SOTF’s dependence on the Ethics Commission is a major obstacle that needs to be addressed, not only by amendments, but by the Ethics Commission as well.

**4. SOTF’s leadership and direction in the operational aspects of open government could be a much-needed resource for departments, resulting in compliance cost savings.**

The Task Force must set the example for good record keeping and website maintenance as a preliminary to finding shortcomings in the record keeping and website accessibility of departments that come under its scrutiny.

Task Force rulings and findings of violation should be easily available and accessible on its website for at least two years from occurrence. However, these cases must be organized and displayed in such a way that new employees as well as seasoned records managers would have ready access to specific issues that deal with the problems they face when presented with a record request. A user-friendly index or directory should lead the inquirer to useable and up-to-date, firsthand experience about how to perform records disclosures and an appropriate guide to the redaction of protected information as well as the response requirements for summary of records available and reference to better records that may be available. There should also be comprehensive written and stored records of Task Force meetings and Hearings, with reference to topics that would be critical to an employee tasked with fulfilling a records request. It should also include records of all correspondence in both hard copy and e-mail by Task Force Members in their official capacities located with subject matter they may illuminate. Creating such a model would no doubt be labor-intensive in the initial instance, but would result in greater ease of compliance and shorten the time required of employees seeking to fill Sunshine requests.

The availability of a knowledgeable Sunshine ombudsman would also cut the time required for departments to appropriately disclose documents, and would cut unnecessary expenses associated with compliance.

The plan to hire an Executive Secretary to assist the Task Force is proceeding in a very thoughtful manner and the new Clerk of the Board is to be commended for her attention to this problem and to the details of the acquisition. This is a very positive development, and it is clearly anticipated that a knowledgeable individual will be hired who can assist employees of every department and prevent costly complaints and revisiting poorly filled records requests.



# COMPLAINTS RECEIVED OR ADJUDICATED DURING 2006-2007

Date Received	Complainant	Department	Status	Violation
3/1/2006	Anonymous (#06001)	Mayor's Office of Protocol	Complaint Committee 3/14/06; Task Force 3/28/06; (Violation)	§§67.21 and 67.25
3/3/2006	Bob Kaufman (#06002)	City Attorney's Office	Complaint Committee 3/14/06; Task Force 6/27/06 (Dismissed)	
4/26/2006	John Avalos (#06003)	Mayor's Office of Communication	Complaint Committee 5/9/06; Task Force 5/23/06; (Violation)	§§67.21 and 67.25
5/19/2006	Robert Planthold (#06004)	Municipal Transportation Agency	Complaint Committee 6/27/06; Task Force 6/27/06: (Violation); Referred to DA and Ethics Commission 9/26/06 (EC #10-061108 Dismissed)	§§67.21 and 67.25
6/14/2006	Kimo Crossman (#06005)	Mayors Office	Complaint Committee 7/11/06; Task Force 7/25/06; (Violation)	§§67.15 (a), (b), and (c)
6/23/2006	Kimo Crossman (#06006)	Telecommunications and Information Services	Complaint Committee 7/11/06; Task Force 7/25/06; (Violation)	§§67.21 and 67.25
7/7/2006	Javier Gonzalez (#06007)	City Attorney's Office	Complaint Committee 8/8/06; Task Force 8/22/06 (No Violation)	
7/7/2006	Kimo Crossman (#06008)	Telecommunications and Information Services	Complaint Committee 10/10/06; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Task Force 10/24/06 (Violation)	§§67.21 (f) and 67.27
7/7/2006	Kimo Crossman (#06009)	Telecommunications and Information Services	Complaint Committee 10/10/06; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Task Force 10/24/06 (Violation)	§§67.21 (f), and 67.27
7/7/2006	Kimo Crossman (#06010)	Telecommunications and Information Services	Reviewing Doc's from Respondent; Withdrawn 9/15/06; Reactivated 9/19/06; Complaint Committee 10/10/06; Withdrawn 9/29/06	
7/13/2006	Beth Rimbey (06011)	Office of Emergency Services and Mayors Office of Communications	Complaint Committee 8/8/06; Task Force 9/26/06 (Violation)	§§67.21, 67.24 (a), 67.25, 67.26
7/20/2006	Juan De Anda (#06012)	Public Health	Complaint Committee 9/12/06; Withdrawn 9/12/06	



Date Received	Complainant	Department	Status	Violation
8/17/2006	Kimo Crossman (#06013)	Office of the Clerk of the Board	Complaint Committee 9/12/06; Task Force 9/26/06 (Motion finding a violation - failed); Task Force 10/24/06 - Reconsideration (Violation)	§§67.21 (l), Cal Gov. Code 6253.9 (a)
8/17/2006	Kimo Crossman (#06014)	Telecommunications and Information Services	Complaint Committee 9/12/06; Task Force 9/26/06 - Continued, 10/24/06 (Continued); Withdrawn 11/16/06	
8/18/2006	Allen Grossman (#06015)	Office of the Clerk of the Board/Sunshine Ordinance Task Force Administrator	Complaint Committee 9/12/06; Task Force 9/26/06; Order of Determination (Violation).	§§67.21 (l), 6253.9 (a)
9/6/2006	Robert Leslie (#06016)	City Attorney's Office	Complaint Committee 10/10/06; Withdrawn 10/2/06	
9/12/2006	Michael Petrelis (#06017)	Public Health	Complaint Committee 10/10/06; Task Force 10/24/06 (Continued); Task Force 11/28/06 (Dismissed)	
9/14/2006	Daisy Anarchy (#06018/06023)	Entertainment Commission	Complaint Committee 10/10/06; Task Force 12/20/06 (Violation)	§67.15 (a)
10/26/2006	San Francisco Survival Manual for Dr. Wayne Lanier (#06019)	Mayors Office	Complaint Committee 11/14/06; Task Force 12/20/06 (Violation)	§67.21
10/27/2006	Veronica Gaynor (#06020)	Supervisor Tom Ammiano c/o Zach Tuller	Complaint Committee 11/14/06; Withdrawn 11/14/06	
10/27/2006	Steve Lawrence (#06021)	Public Utilities Commission	Complaint Committee 11/14/06; Withdrawn 11/9/06	
11/6/2006	Michael Petrelis (#06022)	Public Health	Complaint Committee 12/12/06; Task Force 1/9/07, 2/27/07 (No Violation)	
11/11/2006	Hima B. (#06023/06018)	Entertainment Commission	Complaint Committee 12/12/06; Task Force 12/20/06 (Violation)	§67.15 (a)
11/13/2006	Michael Petrelis (#06024)	Public Health	Complaint Committee 12/12/06; Task Force 1/9/07, 2/27/07 (No Violation)	
11/19/2006	Kimo Crossman (#06025)	Telecommunications and Information Services	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation); CAC 5/9/07; Task Force 5/22/07; Referred to EC w/06027 & 07023 (EC #02-070801 = Dismissed)	§67.21 (b)





Date Received	Complainant	Department	Status	Violation
11/19/2006	Kimo Crossman (#06026)	Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 12/20/06 (Dismissed)	
11/19/2006	Kimo Crossman (#06027)	Telecommunications and Information Services	Complaint Committee 12/12/06; Task Force 1/9/07, 1/23/07 (Violation); CAC 5/9/07; Task Force 5/22/07: Referred to EC w/06027 & 07023 (EC #02-070801 = Dismissed)	§67.24 (c)(3)
11/19/2006	Kimo Crossman (#06028)	Sunshine Ordinance Task Force Administrator	Complaint Committee 1/9/07; Task Force 1/23/07 (Withdrawn)	
11/27/2006	Kimo Crossman (#06029)	Sunshine Ordinance Task Force Administrator/Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 12/20/06 (Withdrawn)	
11/27/2006	Kimo Crossman (#06030)	Clerk of the Board of Supervisors	Complaint Committee 12/12/06; Task Force 2/27/07 (Withdrawn)	
11/30/2006	Cynthia Laird (#06031)	Public Health	Complaint Committee 1/9/07; Task Force 3/27/07 (Violation)	§67.14
12/1/2006	Michael Petrelis (#06032)	Public Health	Complaint Committee 1/9/07, 2/13/07; Task Force 2/27/07 (No Violation)	
12/19/2006	Mary McGuire (#06033)	Taxi Commission	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation)	§67.7
12/20/2006	Jason Grant Garza (#06034)	Public Health	Complaint Committee 1/9/07; Task Force 1/23/07 (Violation)	§67.21 (b)
12/22/2006	Kimo Crossman (#06035)	Sunshine Ordinance Task Force Administrator/Clerk of the Board of Supervisors	Complaint Committee 2/13/07; 2/27/07 (Withdrawn)	
1/4/2007	Debra Ward (07001)	Municipal Transportation Agency	Complaint Committee 2/13/07; Task Force 3/27/07 (Violation) (Withdrawn: 5/22/07)	§ 67.21
1/9/2007	Kimo Crossman (07002-A)	Mayor's Office	Complaint Committee 2/13/07; Task Force 2/27/07; 3/27/07 (Violation); 5/17/07 = Referred to EC, DA and AG [will not intervene: referred to EC]	§ 67.27



Date Received	Complainant	Department	Status	Violation
1/9/2007	Kimo Crossman (07002-B)	Mayor's Office	Complaint Committee 2/13/07; Task Force 2/27/07; 3/27/07 (Violation); 5/17/07 = Referred to EC, DA and AG [will not intervene: referred to EC]	§ 67.29-7
1/18/2007	Steven Lawrence (07003)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/18/2007	Steven Lawrence (07004)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/22/2007	Kimo Crossman (07005 & 07007)	Telecommunications and Information Services	Complaint Committee 2/13/07; Task Force 2/27/07 (Violation)	§ 67.25
1/24/2007	Kimo Crossman (07006)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 2/13/07; Task Force 2/27/07 (Withdrawn)	
1/26/2007	Kimo Crossman (07008)	Public Utilities Commission	Complaint Committee 2/13/07; Task Force 3/27/07 (Violation); 5/22/07 (No Action Taken)	§ 67.21
2/1/2007	Kimo Crossman (07009)	Mayor's Office	Complaint Committee 3/13/07; Task Force 3/27/07 (Violation); Referred to BOS, EC, DA and AG (6/26/07)	§ 67.21
2/5/2007	Allen Grossman (07010)	City Attorney's Office	Complaint Committee 3/13/07; Task Force 3/27/07 (No Violation)	
2/15/2007	Kimo Crossman (07011)	Sheriff's	Complaint Committee 3/13/07; Task Force 3/27/07; 4/24/07; 5/22/07 (Violation); Referred to the BOS (6/5/07)	§ 67.21
2/13/2007	Dave Tognotti (07012)	Supervisor Jake McGoldrick	Complaint Committee 3/13/07; (Withdrawn 3/9/07)	
2/15/2007	Adam Aufdencamp (07013)	Mayor's Office	Complaint Committee 3/13/07; Task Force 3/27/07; 4/24/07 (Withdrawn 4/19/07)	
2/21/2007	Dorothy Kleffner (07014)	Public Health; Marin DHHS-HIV/AIDs Care Council	Complaint Committee 4/10/07; (Withdrawn 5/3/07)	
2/20/2007	Ming Lee (07015)	Dept. on the Status of Women / La Cosa De Las Madres	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (Continued to the call of the Chair)	
2/26/2007	Ming Lee (07016)	Dept. on the Status of Women / Mary Elizabeth Inn	Complaint Committee 4/10/07; Task Force 4/24/07 (No Action Taken)	



Date Received	Complainant	Department	Status	Violation
3/9/2007	Anthony Faber (07017)	Western SOMA Citizens' Planning Task Force Arts & Entertainment Focus Group	Complaint Committee 4/10/07; (Withdrawn 4/10/07)	
3/8/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07018)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07 (Violation)	§§ 67.9 (c), 67.21 (h), and GC 54954.1
3/20/2007	Andrew Sisneros (07019)	Municipal Railway	Complaint Committee 4/10/07; Task Force 4/24/07 (Violation)	§ 67.21
3/20/2007	Patrick Monette-Shaw (07020)	Public Health	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (Violation)	§ 67.4(a)(5)
3/25/2007	Kimo Crossman (07021)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07; 5/22/07 (No Violation)	
3/26/2007	Kimo Crossman (07022)	City Attorney's Office	Complaint Committee 4/10/07; Task Force 4/24/07 (Withdrawn)	
3/27/2007	Kimo Crossman (07023)	Telecommunications and Information Services	Complaint Committee 4/10/07; Task Force 4/24/07; CAC 5/9/07; Task Force 5/22/07: Referred to EC w/06025 & 06027 (EC #02-070801 = Dismissed)	
3/27/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07024)	Sunshine Ordinance Task Force Administrator/COB	Complaint Committee 4/10/07; Task Force 4/24/07 (Withdrawn)	
3/29/2007	John Templeton (07025)	Mayor's Office - Historic Preservation Fund Committee	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (Violation)	§§ 67.4 (a) and 67.6 (e)
4/16/2007	Robert Kowal (07026)	Recreation and Parks	Complaint Committee 5/8/07; (Withdrawn 4/30/07)	
4/17/2007	Kimo Crossman (07027)	Small Business Commission	Complaint Committee 5/8/07; 5/22/07 (Withdrawn)	
4/17/2007	Dan Hirsch (07028) & Kelly Saturno (07029)	Recreation and Parks	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (No Violation)	
4/24/2007	Michael Petrelis (07030)	Public Health	Complaint Committee 5/8/07; 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21
4/30/2007	Patrick Monette-Shaw (07031)	Public Health	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21



Date Received	Complainant	Department	Status	Violation
1/17/2007 (4/30/07)	James Chaffee (07032)	Library Commission	Complaint Committee 6/12/07 (Continued: call of the Chair)	
3/19/2007 (4/30/07)	James Chaffee (07033)	Library Commission	Complaint Committee 6/12/07 (Continued: call of the Chair)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07034 & 07035)	Sunshine Ordinance Task Force Administrator & Clerk of the Board of Supervisors	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07036)	City Attorney's Office	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/1/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07037)	City Attorney's Office	Complaint Committee 6/12/07; Task Force 6/26/07; 7/24/07 (Withdrawn 7/17/07)	
5/10/2007	Anonymous Person (07038, 07043, & 07044)	Entertainment Commission	Complaint Committee 6/12/07; Task Force 8/28/07; 9/25/07; 10/23/07 (No Formal Action)	
5/21/2007	Paul Graham (07039)	Public Health	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.21
5/21/2007	Ahimsa Porter Sunchai (07040)	Supervisor Sophie Maxwell	Complaint Committee 6/12/07; Task Force 6/26/07 (Violation)	§ 67.15 (c) and (d)
5/23/2007	Ming Lee (07041)	Department On The Status of Women	Complaint Committee 6/12/07; Task Force 6/26/07 (No Violation)	
5/23/2007	Francisco Da Costa (07042)	Supervisor Sophie Maxwell	Complaint Committee 6/12/07; Task Force 6/26/07 (No Action Taken)	
5/27/2007	Patrick Monette- Shaw (07045)	SF Health Commission	Complaint Committee 7/10/07; Task Force 7/24/07 (No Action Taken)	
6/4/2007	Kimo Crossman (07046)	City Attorney Dennis Herrera	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07047)	Mayor Gavin Newsom	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07048)	Sheriff Michael Hennessey	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07049)	Telecommunications and Information Services - Chris Vein	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	
6/4/2007	Kimo Crossman (07050)	Public Utilities Commission - Susan Leal	Complaint Committee 7/10/07; 8/14/2007; 9/11/07 (Withdrawn 9/6/07)	





Date Received	Complainant	Department	Status	Violation
6/4/2007	Kimo Crossman (07051)	Clerk of the Board - Kay Gulbengay	Complaint Committee 7/10/07 (Withdrawn 7/11/07)	
6/25/2007	Allen Grossman & Wayne Lanier (07052)	District Attorney	Complaint Committee 7/10/07; 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.27
6/26/2007	Kimo Crossman (07053)	Sheriff Michael Hennessey	Complaint Committee 8/14/07; 9/11/07 (Withdrawn 9/6/07)	
6/26/2007	Kimo Crossman (07054)	Sheriff Michael Hennessey	Complaint Committee 8/14/07; 9/11/07 (Withdrawn 9/6/07)	
7/5/2007	Kimo Crossman (07055)	District Attorney Kamela Harris	Complaint Committee 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.21(c)
7/17/2007	Myrna Lim (07056)	Ethics Commission	Complaint Committee 8/14/07; Task Force 8/28/07; 9/25/07; 10/23/07 (Violation); 1/8/08 (Referred to AG) AG 3/21/08: Will not investigate...local matter	§ 67.21
7/23/2007	Jeff Ente (07057)	Supervisor Aaron Peskin	Complaint Committee 8/14/07; Task Force 8/28/07 (Violation); 1/8/08 (Referred to EC and AG); AG 3/24/08 (Will not investigate...Ethics matter)	§§ 67.21, 67.21(c), 67.29-1, & 67.29-7
7/24/2007	Hanley Chan (07058)	Police Department	Complaint Committee 8/14/07 (Withdrawn 8/3/07)	
7/30/2007	Paul Graham (07059)	Fire Department	Complaint Committee 8/14/07; Task Force 8/28/07 (Violation)	§§ 67.21 & 67.29-7(c)
8/23/2007	Alex Clark (07060)	Public Utilities Commission	Complaint Committee 10/9/07; Task Force 10/23/07 (No Formal Action)	
8/27/2007	Library Users Assoc. by Exec. Dir Peter Warfield (07061 & 07062)	Library	Task Force 9/25/07 (Violation); 1/8/08 (Referred to AG) AG 3/21/08: Will not investigate - local matter	§§ 67.29-2; 67.29-6; 67.21
9/7/2007	Ray Hartz (07063, 07064 & 07065)	City Attorney	Complaint Committee 10/9/07; Task Force 10/23/07 (No Formal Action)	
9/10/2007	Charles Pitts (07066)	Human Services - Central City Hospitality House	Complaint Committee 10/9/07; Task Force 10/23/07; 11/27/07 (No Jurisdiction)	
9/12/2007	Jodi Watson (07067)	Entertainment Commission	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§ 67.25
9/13/2007	Maxine Doogan (07068)	District Attorney	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§§ 67.21 & 67.25
9/17/2007	Ray Hartz (07069)	Supervisor Aaron Peskin	Complaint Committee 10/9/07; Task Force 10/23/07; 11/27/07; 1/8/08 (Violation)	§ 67.21 (c)



Date Received	Complainant	Department	Status	Violation
9/19/2007	Michael Vogl (07070)	Police Department	Complaint Committee 10/9/07 (Withdrawn 9/21/07)	
9/20/2007	Dee Modglin (07071)	Mayor's Office of Housing	Complaint Committee 10/9/07; Task Force 10/23/07 (No Violation)	
9/21/2007	Randell Evans (07072)	Redevelopment Agency & Mayor's WACAC	Complaint Committee 10/9/07; Task Force 10/23/07 (No Violation)	
9/21/2007	Russell Albano (07073)	Human Resources - Workers Comp. Div	Complaint Committee 10/9/07; Task Force 10/23/07 (Violation)	§§ 67.21 & 67.25
9/21/2007	Russell Albano (07074)	Fire Department	Complaint Committee 10/9/07; Task Force 10/23/07 (Referred to CAC with File# 07073 [No Action Taken])	
9/25/2007	Laura Carroll (07075)	Mayor's Office of Housing	Complaint Committee 11/13/07; 11/27/07 (Violation)	§ 67.21
9/25/2007	Charles Bolton (07076)	Public Works	Complaint Committee 11/13/07; 11/27/07 (Violation)	§ 67.21
10/1/2007	Allen Grossman (07077)	District Attorney	Complaint Committee 11/13/07; 11/27/07 (Violation); 1/8/08 (Referred to EC and AG); AG 3/24/08 (Will not investigate...Ethics matter)	§§ 67.21, 67.21-1; 67.25, 67.26, 67.27, CPRA 6253 and 6253.9
10/2/2007	John Chapman (07078)	Controllers Office	Complaint Committee 11/13/07; 11/27/07 (No formal action)	
10/2/2007	John Chapman (07079)	Public Utilities Commission	Complaint Committee 11/13/07; 11/27/07 (No formal action)	
10/9/2007	Dan Boreen (07080-A)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation); CAC 1/9/08; 2/13/08; 3/12/08 (Referral) Task Force 3/25/08; Referred to Ethics Sent 4/24/08	§§ 67.26, 67.27
10/9/2007	Dan Boreen (07080-B)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation); CAC 1/9/08; 2/13/08; 3/12/08 (Referral) Task Force 3/25/08; Referred to Ethics sent 4/24/08	§§ 67.26, 67.27
10/9/2007	Dan Boreen (07080-C)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation); CAC 1/9/08; 2/13/08; 3/12/08 (Referral) Task Force 3/25/08; Referred to Ethics Sent 4/24/08	§§ 67.25, 67.26, 67.27
10/9/2007	Dan Boreen (07080-D)	Fire Department	Complaint Committee 11/13/07; 11/27/07 (Violation)	§: 67.25



Date Received	Complainant	Department	Status	Violation
10/10/2007	Hanley Chan (07081)	Police Department	Complaint Comm. 11/13/07; 11/27/07 (No violation)	
10/10/2007	Wayne Lanier (07082)	Telecommunications and Information Services	Complaint Committee 11/13/07; 12/11/07; Task Force 1/8/08 (Violation)	§ 67.26
10/17/2007	John Darmanin (07083)	Fire Commission	Complaint Committee 11/13/07; Task Force 11/27/07; 1/22/08 (No Violation)	
10/17/2007	Marcus Santiago (07084)	City Attorney's Office	Complaint Committee 11/13/07 (Withdrawn 11/11/07)	
11/2/2007	Mr. Alvin (07085)	Grants for the Arts	Complaint Committee 12/11/07; Task Force 1/8/08; 1/22/08 (No Violation)	
11/2/2007	Hank Wilson (07086)	Police Department	Complaint Committee 12/11/07; (Withdrawn 12/4/07)	
11/2/2007	Allen Grossman (07087)	Mayor's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation); CAC 3/12/08 (Referral); Task Force 3/25/08 (Referred to Ethics sent 4/24/08)	§§67.21 (b) (e), 67.25 (a), CPRA Sec 6253
11/3/2007	Kimo Crossman (07088)	Assessor's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation); CAC 3/12/08; 4/9/08 (Referral); Task Force 4/22/08	§ §67.25 (d)
11/5/2007	Kimo Crossman (07089)	District Attorney's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§§ 67.24 (b) (iii), 67.26, 67.27
11/5/2007	Kimo Crossman (07090)	SFMTA Agency, SFMTA Commission and City Attorney's Office	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§ 67.24 (a) (2)
11/14/2007	Ahimsa Porter Sunchai (07091)	Supervisor Sophie Maxwell	Complaint Committee 12/11/07; Task Force 1/8/08 (Violation)	§§ 67.15 (a), 67.21 (e)
11/18/2007	Patrick Monette-Shaw (07092)	Board of Supervisors and Human Resources	Complaint Committee 12/11/07; Task Force 1/8/08; 1/22/08; 2/26/08 (Violation)	§67.10 (e) (1)
11/27/2007	Patrick Monk (07093)	Supervisor Sophie Maxwell	Complaint Comm./Task Force 1/8/08; Task Force 1/22/08 (Violation)	§§67.15 (e), 67.21 (e)



Date Received	Complainant	Department	Status	Violation
11/29/2007	Kimo Crossman (07094)	City Attorney	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08; 2/26/08 (Violation); CAC 3/12/08 (Referral); Task Force 3/25/08: Referred to Ethics sent 4/24/08	§§ 67.25, 67.26, 67.29-5
11/29/2007	Kimo Crossman (07095)	City Attorney	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08 (Withdrawn 1/18/08)	
11/29/2007	Kimo Crossman (07096)	Mayor's Office	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08; 2/26/08 (Violation); CAC 4/9/08 (Referral) Task Force 4/22/08	§§ 67.25, 67.26, 67.29-5
11/29/2007	Steve Lawrence (07097)	Public Utilities Commission	Complaint Committee/Task Force 1/8/08; Task Force 1/22/08 (Violation); CAC 2/13/08 (No further action)	§ 67.25

## AUTHORITY

### Administrative Code Sections 67

#### Sec. 67.1 Findings and Purpose.

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that





right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.

(e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force, can protect the public's interest in open government.

(f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.

(g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process. (Added by Ord. 265-93, App. 8/18/93; amended by Proposition G, 11/2/99)

#### Sec. 67.30. The Sunshine Ordinance Task Force.

(a) There is hereby established a task force to be known as the Sunshine Ordinance Task Force consisting of eleven voting members appointed by the Board of Supervisors. All members must have experience and/or demonstrated interest in the issues of citizen access and participation in local government. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from the press or electronic media. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. Four members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be members of the public experienced in consumer advocacy. One member shall be a journalist from a racial/ethnic-minority-owned news organization and shall be appointed from individuals whose names have been submitted by New California Media. At all times the task force shall include at least one member who shall be a member of the public who is physically handicapped and who has demonstrated interest in citizen access and participation in local government. The Mayor or his or her designee, and the Clerk of the Board of Supervisors or his or her designee, shall serve as non-voting members of the task force. The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to it an attorney from within the City Attorney's Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for



the initial members. The task force shall elect a chair from among its appointive members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter. The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter. The task force shall propose to the Board of Supervisors amendments to this chapter. The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this chapter. The Task Force shall receive and review the annual report of the Supervisor of Public Records and may request additional reports or information as it deems necessary. The Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts. The Task Force shall, from time to time as it sees fit, issue public reports evaluating compliance with this ordinance and related California laws by the City or any Department, Office, or Official thereof.

(d) In addition to the powers specified above, the Task Force shall possess such powers as the Board of Supervisors may confer upon it by ordinance or as the People of San Francisco shall confer upon it by initiative.

(e) The Task Force Commission shall approve by-laws specifying a general schedule for meetings, requirements for attendance by Task Force members, and procedures and criteria for removing members for non-attendance. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 118-94, App. 3/18/94; Ord. 432-94, App. 12/30/94; Ord. 287-96, App. 7/12/96; Ord. 198-98, App. 6/19/98; 387-98, App. 12/24/98; Proposition G, 11/2/99)

## **SOTF ORGANIZATION & COMMITTEE STRUCTURE**

The Chair of the Task Force appoints committee chairs and its members. Each member of the Task Force must also be a member of a committee.

Ad Hoc Committees are appointed as needed. There have been several Ad Hoc Committee meetings to deal with suggested Sunshine Ordinance provisions for the City College Board, access to public meetings and public records at the San Francisco Community College District, and the San Francisco Unified School District's proposed Open Government Policy.

The Task Force has four Standing Committees:

- **Complaint Committee:** The committee monitors the complaint process and makes recommendations to the Task Force regarding how the complaints should be handled. If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee for a hearing to determine whether the Task Force has jurisdiction over the complaint, and to clarify the complaint. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will present the merits of their respective cases. See § VII, Addendum # 2 for a copy of the



complaint form.

Members of the Complaint Committee in 2006-2007 were: Sue Cauthen (Chair), Kristin Chu, Nicholas Goldman, and Bruce Wolfe.

- **Compliance & Amendments Committee:** This Committee was appointed in 2002. This Committee monitors compliance with the Orders of Determinations adopted by the Task Force and recommends to the Task Force amendments to the Sunshine Ordinance regarding enforcement of the Orders of Determination. The Committee also considers recommendations, amendments, and changes to the Sunshine Ordinance as provided by members of the Task Force, City departments, and the general public.

The Compliance and Amendments Committee held follow-up hearings to track compliance or non-compliance with Orders of Determination issued by the Task Force and, where necessary, sent items back to the Task Force with a recommendation that they be referred to the Ethics Commission, the District Attorney, the Board of Supervisors or the California Attorney General for investigation and appropriate action. In some cases, the Committee alerted respondent entities to the need for clear, written guidelines on responding to public records requests, or for clear, equitable policies on public comment during meetings of City bodies.

In addition, the Committee continued its review of the Sunshine Ordinance with the goal of placing a package of reforms before city voters. As this Annual Report is being drafted, the target date for a ballot initiative is November, 2008.

Some issues remain outstanding:

- Certain entities, relying on advice from the City Attorney's Office, are failing to comply with Orders of Determination directing them to make records available to requesters; or to provide electronic records in their native format when requested to do so.
- Certain entities are refusing to discuss Sunshine-related advice from the City Attorney's Office or to identify who provided said advice, even though such information must, under law, be disclosed upon request.
- Certain entities continually violate Section 67.21(e) of the Sunshine Ordinance by failing to send knowledgeable representatives to meetings of the Task Force or its committees to discuss cases in which they are the respondent. On some occasions, an entity sends a representative who has insufficient knowledge of the matter at hand; on other occasions, an entity sends no representative.

Members of the Compliance and Amendments Committee in 2006-2007 were: Richard Knee (Chair), Erica Craven, and Doug Comstock.

- **Education, Outreach, and Training Committee:** Unless the public is aware of its right of access to information and participation, the value of the ordinance would be minimal. Therefore, the Education, Outreach and Training Committee was created to



provide outreach and publicity to the media, to the general public, and to oversee the preparation and publication of information.

Members of the Education, Outreach, and Training Committee in 2006-2007 were: David Pilpel (Chair), Bruce Wolfe, and Marjorie Williams.

- **Rules Committee:** This committee was established to review matters related to amendments to the Task Force by-laws and procedures so the Task Force's work could proceed in an orderly manner. The committee also helps to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by the Task Force. As with all committees, recommendations for action are made to the full Task Force for final action.

Members of The Rules Committee in 2006-2007 were: Bruce Wolfe (Chair), Hanley Chan, and Doug Comstock.

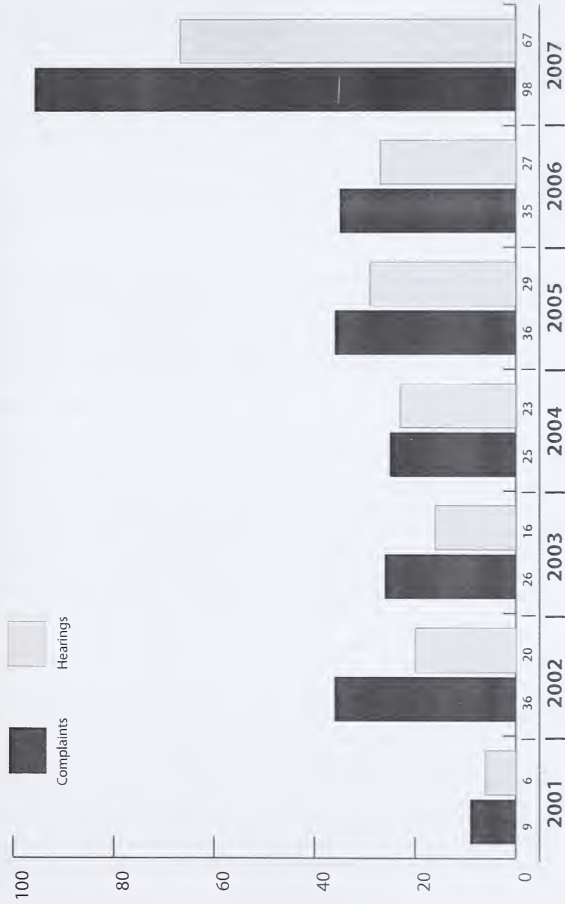
## ADDENDA

1. Graphic representation of Task Force workload
2. Letter regarding calendar retention, release, and redaction
3. Membership of Task Force
4. Complaint Form and Overview of Procedures
5. Sunshine Ordinance Task Force Web Page Contents





# Sunshine Ordinance Task Force Complaints and Hearings





**SUNSHINE ORDINANCE  
TASK FORCE**



City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TDD/TTY No. (415) 554-5227

February 8, 2008

Chief Hayes-White  
San Francisco Fire Department  
698 2<sup>nd</sup> Street  
San Francisco, CA 94107

I write in response to a request, made at the Sunshine Ordinance Task Force's Compliance and Amendments Committee's December 12, 2007 meeting, that the Committee express in writing the Committee's concerns about the retention, release and redaction of employees' and officials' calendars so that the Department can better respond. With apologies for the delay, I respectfully submit the following analysis.

**Calendars in General.**

Employees and *most* city officials are not required to keep a calendar under open government laws. However, to the extent they do – any calendar used by a city employee or official for city business (under the definitions of both the California Public Records Act ("PRA") and the Sunshine Ordinance) is a public record that is subject to release. This does not mean that all information on every city employees' or officials' calendar must be released. Consistent with prior Orders of Determination made by the Task Force, appropriate and narrow redactions may be made, for example, for security concerns or information that is of a purely personal and private nature (e.g., medical appointments, information about children and spouses).

Pursuant to section 67.29-5 of the Sunshine Ordinance:

The Mayor, The City Attorney, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the city. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.



This requirement is often referred to as the “Prop. G” calendar by the City Attorneys’ office and by officials. Officials who are covered by 67.29-5 are, therefore, required to keep a calendar that contains a certain *minimum* of information. This requirement establishes a *floor* of required information to be maintained and released within three business days. This requirement, however, does not mean that any *other* information maintained on an official’s calendar is automatically exempt from disclosure. To the contrary, as described above, all calendars are public records and all information that is not specifically exempt under an express exemption must be released under the normal release provisions of the Ordinance.

For information that is expressly exempt from disclosure and subsequently redacted from calendars that are released for public review, the Department must explain to the requestor (by use of footnotes or other detailed and clear explanation) why each piece of information redacted has been withheld. *See, e.g.*, section 67.26. This can often be accomplished by redacting and adding notes to a hard copy document before it is released. Providing a detailed explanation of why each piece of information has been redacted (*i.e.*, personal privacy, security) often obviates any unwarranted “suspicion” a Sunshine requestor may have when provided with a calendar with numerous, unclear or unexplained redactions.

### **Employee Discipline**

At the Compliance and Amendments hearing there was also some discussion concerning when and whether it would be appropriate to redact the names of employees meeting with officials. Examples were given of potential whistleblowers who have a need for confidentiality and employees who were subject to complaints and potential discipline. With respect to whistleblowers or other for whom there is a demonstrated need for confidentiality, the Task Force has ruled that those names may be withheld.

With respect to meetings that involve discussing complaints and discipline, the Department indicated it was relying on section 67.24c(7) of the Ordinance which provides that the following employee records must be released:

The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

Therefore, not surprisingly, the Department felt that employees whose misconduct had not been confirmed should not be released. However, since this provision of the



Ordinance was adopted and passed, the California Court of Appeal has confirmed a different standard for release of information regarding complaints and potential employee misconduct. Specifically:

Where complaints of a public employee's wrongdoing and resulting disciplinary investigation reveal allegations of a substantial nature, as distinct from baseless or trivial, and there is reasonable cause to believe the complaint is well founded, public employee privacy must give way to the public's right to know.

*Bakersfield City School Dist. v. Superior Court*, 118 Cal. App. 4th 1041, 1046 (Cal. Ct. App. 2004). The Bakersfield court confirmed that neither "a finding of the truth of the complaint contained in the personnel records or the imposition of employee discipline is a prerequisite to disclosure." *Id.*

As the Sunshine Ordinance specifically provides that Departments must follow laws (or legal opinions) that provide for greater access to public information, *see* section 67.36, the Bakersfield decision must be applied when determining whether the Department will release names of employees who have been the subject of complaints and potential disciplinary hearings.

### **Employee Vacation**

The last point discussed at the Committee meeting was the appropriateness of redacting the names of employees who were out on vacation. Based on the recent California Supreme Court decision, *International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court*, 42 Cal. 4th 319 (Cal. 2007), public employees do not have a reasonable expectation of privacy regarding the accrual and use of vacation time. As demonstrated by numerous news articles regarding overtime and vacation accrual and use by public employees, the public also has a significant and strong right to know when public employees are on and off the job.

I believe I have covered each of the areas that were discussed in the Compliance and Amendments Committee discussion. Please let me know if you have any questions or concerns. In closing, I'd like to express our appreciation for the Fire Department's continued efforts to respond to Sunshine Requests with a considered and thoughtful approach and for continuing to send knowledgeable representatives – including yourself and Deputy Chief Massetani – to respond to our questions and concerns.





Chief Joanne Hayes-White  
February 7, 2008  
Page 4 of 4

Regards,

A handwritten signature in black ink, appearing to read 'Erica L. Craven'.

Erica L. Craven

c: Rhab Boughn  
Ernie Llorente  
Sunshine Ordinance Task Force



**SUNSHINE ORDINANCE TASK FORCE  
MEMBERS DURING 2006-2007  
(Terms expire 4/27)**

Seat 1	Submitted by the local chapter of the Society of Professional Journalists and be an attorney. Appt 8/25/04.	Erica L. Craven Term ends 4/08 District 8
Seat 2	Submitted by the local chapter of the Society of Professional Journalists and be a journalist. Appt 5/3/02	Richard Knee Term ends 4/08 District 3
Seat 3	Member of the press or electronic media with an interest in citizen access. Appt 5/3/02	Sue Cauthen Term ends 4/08 District 3
Seat 4	Appointed from names submitted by New California Media now know as New America Media; be a journalist from a racial/ethnic-minority-owned news organization. Appt 4/1/06, resigned February 13, 2007.	Pueng Vongs Term ends 4/07 District 1
Seat 5	Submitted by the League of Women Voters. Appt 5/23/06.	Kristin Chu Term ends 4/08 District 1
Seat 6	Experienced in consumer advocacy. Appt 5/3/02; re-appointed 4/15/04; continues to serve as a holdover.	Doug Comstock Term ended 4/06 District 5
Seat 7	Experienced in consumer advocacy. Appt 4/15/04.	David Pilpel Term ends 4/08 District 4
Seat 8	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05.	Bruce Wolfe Term ends 4/08 District 5
Seat 9	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 4/1/06.	Hanley Chan Term ends 4/08 District 3
Seat 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05 (AKA Nick Mueller).	Nick Goldman Term ends 4/08 District 8
Seat 11	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 5/25/01; re-appointed 5/9/03; re-appointed 6/2/05; continues to serve as a holdover.	Marjorie A. Williams Term ends 4/07 District 10
Ex- Officio	Clerk of the Board or her designee (non-voting): Gloria Young served as an ex-officio member from 1/06 to 4/07	Angela Calvillo Begin 7/07
Ex- Officio	Mayor or his designee (non-voting) Appt 4/22/07	Harrison Sheppard Term ends 8/22/09 District 5





## SUNSHINE ORDINANCE TASK FORCE

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102

Tel. (415) 554-7724; Fax (415) 554-7854

<http://www.sfgov.org/sunshine>

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Frank Darby, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters that cannot be adequately resolved, or matters that involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

**Notice:** Personal information that you provide is subject to disclosure under the California Public Records Act and the Sunshine Ordinance, except when confidentiality is specifically requested. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).





1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102

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<http://www.sfgov.org/sunshine>

## SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission \_\_\_\_\_

Name of individual contacted at Department or Commission \_\_\_\_\_

- ☐ Alleged violation public records access
- ☐ Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance Section(s) \_\_\_\_\_

*(If known, please cite specific provision(s) being violated)*

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Do you wish a public hearing before the Sunshine Ordinance Task Force?

☐

yes

☐

no

*(Optional)*<sup>1</sup>

Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. COMPLAINANTS CAN BE ANONYMOUS AS LONG AS THE COMPLAINANT PROVIDES A RELIABLE MEANS OF CONTACT WITH THE SOTF (PHONE NUMBER, FAX NUMBER, OR E-MAIL ADDRESS).







### **Filing a Complaint with the Sunshine Ordinance Task Force**

1. You may fill out a Complaint Form online or access a form at [sfgov.org/site/sunshine](http://sfgov.org/site/sunshine), or you may send your own letter filing a formal complaint. File the complaint with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689, or you may send it by fax to. (415) 554 7854 or e-mail to [sotf@sfgov.org](mailto:sotf@sfgov.org).
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
  - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
  - (a) If the complainant submits any additional material after the seven day deadline, the complainant will be informed that:
    - The Task Force may proceed without considering the new material, or
    - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
    - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
    - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator, Frank Darby at (415) 554 7724.



## **SUNSHINE ORDINANCE TASK FORCE**

### **WEB SITE INFORMATION**

In 2006-2007 the Sunshine Ordinance Task Force web page received 880,306 hits. The web page consists of:

- Current agendas and minutes
- Meeting notices
- Past years' agendas and minutes
- Public records listing and retention schedule
- By-laws of the Task Force
- Other related documents and information

Information on:

- The Sunshine Ordinance
- Membership of the Task Force
- Committee structure of the Task Force
- Non-profit requirements (Administrative Code, Chapter 12L)
- Duties and responsibilities of the Task Force
- Complaint Procedures and Form
- Frequently asked questions



SUNSHINE ORDINANCE  
TASK FORCE



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TDD/TTY No. (415) 554-5227

SUNSHINE ORDINANCE TASK FORCE  
2008 ANNUAL REPORT

Honorable Board of Supervisors,

On behalf of my colleagues on the Sunshine Ordinance Task Force, I am proud to present our 2008 Annual Report which details our accomplishments for the year.

Over the last year the Task Force has, and will continue to, proactively seek opportunities for educating and advocating for open government to both the public and city departments. In addition we are developing recommended policies and procedures around the biggest open government issues to aid departments in responding to requests.

One of the most pressing open government issues facing San Francisco right now is the retention and disposal of all types of electronic documents including email. In recent years the Task Force has discovered that departments and agencies are managing these important public records in many different ways with varying degrees of success. The Task Force has an opportunity to develop best practices in this area and advocate for open government across the city. Unfortunately due to budget constraints in the Clerk of the Board's office, we are not able to address this issue with the urgency we would like. You will see, however, leadership in this area coming from SOTF in 2009.

After continuous work throughout 2008 we are ready to finalize the legislative amendments to the Sunshine Ordinance. Over the years it has become obvious that ambiguities and omissions in the Sunshine Ordinance have created unneeded tension between city departments and the public. In the amendments, we streamline open government processes in order to relieve that tension and set up clear expectations for all parties involved. In addition, we have added language to make the Ordinance more effective. We look forward to working with each Supervisor on this very exciting initiative in 2009.

During 2008 many of the members of the Task Force have changed which put us in a position to learn from the insights of new members while relying on the experience of continuing members. With the change of the members of the Task Force we took some time to look back at our work and see what we can learn. Some of the most significant findings and our general conclusions are:

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- Most of the hearings are around public records (82%) rather than open meetings (18%). Public records issues should be a focus of education, policy developments and amendment priorities.
- If a complaint results in a hearing we usually find a violation (69% of the time).
- The success of Orders of Determinations and referrals should be studied and actions & alternatives developed.
- The highest frequency violation (42%) is 67.21, "Process for Gaining Access to Public Records; Administrative Appeals". 67.21 should be a focus of education, policy developments and amendments priorities.
- We have a concentrated number of complainants: 49% of hearings were initiated by 5 unique complainants. These 5 complainants should be included in policy and amendments development and a focus of outreach efforts.
- We have a group of respondents (city departments) with multiple hearings: 65% of hearings involved 11 unique respondents. These 11 respondents should be a focus of education and outreach efforts and their feedback consulted in policy and amendments development.

We are grateful for our Assistant Administrator Chris Rustom from the Clerk of the Board's office and thankful to Angela Cavillo for her continued commitment to open government. Budget cuts in the City Attorney's office have lead the Task Force to aggressively streamline processes to decrease our reliance on DCA Ernie Llorente. Even during these tough economic times, Chris and Ernie's support has remained thorough and professional.

Finally, we would like to thank the sunshine advocates and concerned members of the public who participate in this process with us providing insight, opinions and thought leadership on open government in San Francisco.

We look forward to working closely with the Board of Supervisors in 2009.



Kristin Chu  
Chair

## ACCOMPLISHMENTS

- The Sunshine Ordinance Task Force continued to undertake an extensive review and discussion of the Sunshine Ordinance and proposed amendments in order to clarify and streamline the process.
- Fifty-eight complaints were filed by community members in 2008. Of the 58 complaints, the Task Force issued 31 Orders of Determination, 20 to city departments, 10 to agencies and commissions and one to a member of the Board of Supervisors.
- A total of 2,429 public inquiries were responded to by the SOTF administrator.
- One hundred percent of requests made to the Task Force were responded to within five days.
- Eight potential complaints were resolved through mediation initiated by the SOTF administrator.
- The SOTF's Deputy City Attorney provided over 60 pieces of written legal analysis on open government complaints and issues.
- The Compliance & Amendments Committee heard 15 cases and referred eight to the Ethics Commission and three to the Board of Supervisors. The Commission dismissed all eight referrals. The three letters to the Board of Supervisors was for enforcement and policy matters.
- The Complaint Committee reviewed 19 complaints and forwarded 17 to the full task force for review.
- Thirty-four complainants requested a Task Force hearing outright.
- The web site for the SOTF was redesigned to provide greater access to individuals seeking information regarding open government laws.
- A new feature on the web site is a chart showing all the Orders of Determination issued in 2008. The chart is also linked to the Orders, the referrals and referral agency's responses.
- The Education, Outreach and Training Committee started the process of updating its Mission Statement and Work Program to better reflect its function and mission.

### Complaints Received or Adjudicated during 2008

Date Received	Complainant	Department	Status	Violation
1/3	Kimo Crossman	District Attorney	Complaint Committee 2/12/08, Task Force 2/26/08	No violation
1/7	Hank Wilson	Health Dept. (HPPC)	Complaint Committee 2/12/08, withdrawn	
1/10	Christian Holmer	Mayor's Office	Complaint Committee 2/12/08, Task Force 2/26/08, withdrawn	
1/10	Kimo Crossman	City Attorney	Complaint Committee 2/12/08, Task Force 2/26/08, contd., 3/25/08, CAC 4/9/08. Referred to Task Force, Task Force 4/22/08, Referred to Ethics (sent:5/13/08, dismissed 11/5/08)	67.21 (a) & (i), 67.24 (b) (1) (iii)
1/10	Kimo Crossman	City Attorney	Complaint Committee 2/12/08, Task Force 2/26/08, 3/25/08, CAC 4/9/08. Referred to Task Force, Task Force 4/22/08. Referred to Ethics (sent:5/13/08, dismissed 11/5/08)	67.21 (a) & (i), 67.24 (b) (1) (iii)
1/10	Kimo Crossman	City Attorney	Complaint Committee 2/12/08, Task Force 2/26/08 contd., 3/25/08, CAC 4/9/08. Referred to Task Force, Task Force 4/22/08. Referred to Ethics (sent 5/13/08, dismissed 11/5/08)	67.21 (i), 67.24 (b) (1) (iii)
1/10	Kimo Crossman	City Attorney	Complaint Committee 2/12/08, Task Force 2/26/08, 3/25/08, heard with 08004, CAC 4/9/08. Referred to Task Force, Task Force 4/22/08. Referred to Ethics (sent:5/13/08, dismissed 11/5/08)	67.21 (a) & (i), 67.24 (b) (1) (iii)
1/14	Stephen Worsley	Rec & Park Dept.	Complaint Committee 2/12/08, Task Force 2/26/08.	No violation
2/9	Patrick Monett-Shaw	Board of Supervisors	Complaint Committee 3/11/08, withdrawn: 2/26/08	
2/11	Patrick Monett-Shaw	Health Dept.	Task Force 3/25/08, withdrawn 3/15/08	
2/20	David Waggoner	Ethics Commission	Complaint Committee 3/11/08; Task Force 3/25/08.	No action taken
3/2	Kimo Crossman	Clerk of the Board, SOTF Admin	Task Force 3/25/08, withdrawn 3/14/08	



Date Received	Complainant	Department	Status	Violation
3/2	Kimo Crossman	SOTF Admin	Task Force 3/25/08, CAC 4/9/08. Referred to Task Force. Task Force 4/22/08. 5/27/08 Referred to BOS (sent 06/13/08)	67.21 (a)
3 / 4	Jason Berckart	Human Rights Commission	Unable to contact complainant	
3 / 4	Deneise Bolbol	Zoological Society	Task Force 3/25/08	67.25
3/7	Anonymous	Arts Commission	Task Force 4/22/08. withdrawn 3/20/08	
3/17	Kimo Crossman	Clerk of the Board, SOTF Admin	Task Force 4/22/08	No violation
3/17	Kimo Crossman	Clerk of the Board, SOTF Admin	Task Force 4/22/08, CAC 5/14/08.	67.21-1 (a)
4/8	Kimo Crossman	Clerk of the Board, SOTF Admin, DTIS	Task Force 4/22/08	No violation
5/2	Peter Witt	Taxi Commission	Task Force 4/22/08, 5/27/08	67.15, 67.16
5/2	Kimo Crossman	City Attorney	Task Force 5/27/08	No violation
5/2	Kimo Crossman	Clerk of the Board	Task Force 5/27/08, 6/24/08, 7/22/08.	No action taken
5/20	Anonymous Tenants	Planning Department	Task Force 6/24/08, 7/22/08, CAC 8/13/08, 9/10/08.	67.21 (b) & (c)
5/20	Michael Addario	Arts Commission	Complaint 6/10/08, Task Force 6/24/08, 7/22/08, CAC 8/13/08, 9/10/08	67.5
5/21	Kimo Crossman	City Attorney	Task Force 6/24/08, 7/22/08, withdrawn 6/27/08	
5/21	Kimo Crossman	City Attorney	Task Force 6/24/08, 7/22/08 withdrawn 6/27/08	
5/21	Kimo Crossman	Mayor's Office of Criminal Justice	Task Force 6/24/08, 7/22/08, withdrawn 8/21/08	
5/21	Kimo Crossman	City Attorney	Task Force 6/24/08, 7/22/08, withdrawn 6/27/08	

Date Received	Complainant	Department	Status	Violation
5/29	Barry Taranto	Taxi Commission	Task Force 6/24/08, 7/22/08, CAC 8/13/08	67.15 (c)
5/29	Kimo Crossman	Clerk of the Board, SOTF Admin	Complaint 8/12/08, withdrawn 8/11/08	
6/3	Kimo Crossman	Ethics Commission	Task Force 7/22/08, CAC 8/13/08, 9/10/08; Task Force 9/23/08. Letter sent to BOS, Ethics	67.21-1
6/4	Kimo Crossman	City Attorney	Task Force 7/22/08, CAC 8/13/08, Task Force 8/26/08, 9/23/08. Letter sent to BOS, CAO	67.21-1 and CPRA 6253.9 (a) (i) & (ii)
6/25	Charles Pitts	Human Services	Complaint 9/9/08; Task Force 9/23/08	Differences settled
6/27	Thomas Picarello	Supervisor McGoldrick	Task Force 7/22/08, 8/26/08, 9/23/08	No violation
6/30	Neils Wein	Municipal Transportation Authority	Complaint 8/12/08, withdrawn 7/14/08	
6/25	Juan De Anda	Health Dept.	Complaint 8/12/08 (No jurisdiction), Task Force 8/26/08 (Appeal denied)	
7/8	Kimo Crossman	Supervisor Peskin	Task Force 8/26/08, 9/23/08, EOT 10/9/08	67.31 (e) & 67.24 (a) (ii)
7/28	Kin Tso	Animal Control and Welfare Commission	Task Force 8/26/08, CAC 9/10/08	67.15
7/28	Allen Grossman	City Attorney	Task Force 8/26/08; 9/23/08, 10/28/08	No violation
7/30	Eula Walters	Rec & Park Dept.	Complaint 9/9/08, Task Force 9/23/08. Appealed 10/28/08	No violation
8/1	Kimo Crossman	DTIS & SFGTV	Task Force 8/26/08, withdrawn 8/19/08	
8/1	Kimo Crossman	DTIS, SFGTV, City Administrator, Media Services, SOTF-Admin & Clerk of the Board	Complaint 9/9/08, Task Force 9/23/08, 10/28/08 (1st cont.), 11/25/08 (2nd cont.), withdrawn 11/10/08	
8/5	Charles Pitts	Police Department	Task Force 8/26/08, withdrawn 8/11/08	

Date Received	Complainant	Department	Status	Violation
8/19	Brian Brown	Building Inspection Dept.	Task Force 9/23/08, 10/28/08, withdrawn 10/17/08	
8/26	Barry Taranto	Municipal Transportation Authority	Complaint Committee 10/14/08, contd 11/12/08, Task Force 12/2/08	67.15
8/26	Karl Beale	Rec and Park Dept. & Library	Complaint Committee 10/14/08, Task Force 10/28/08	No violation
8/26	Peter Witt	Taxi Commission	Task Force 10/28/08, CAC 11/12/08	67.16
8/26	Anonymous Tenants	Building Inspection	Task Force 10/28/08, withdrawn 10/27/08	
9/3	John Caldera	Veteran Affairs Commission	Complaint 10/14/08	No action taken
10/17	Charles Pitts	Office of Criminal Justice	Task Force 11/25/08, 12/2/08	No violation
11/3	Paul Horcher	Planning Dept.	Complaint 12/09/08, Task Force 01/06/09. Referred to Education, Outreach and Training Committee	67.21 (a) & (c)
11/13	Alvin Xex	Arts Commission	Complaint 12/09/08, Task Force 01/06/09. Referred to Education, Outreach and Training Committee	No violation
11/19	Peter Witt	Taxi Commission	Complaint 01/13/09, Task Force 1/27/09	No action taken
12/2	Anonymous Tenants	Building Inspection	Task Force 12/23/08, rescheduled 01/06/09, complaint 01/13/2009, Task Force 1/27/09	No further action
12/2	Kimo Crossman	City Attorney, DTIS, SFGTV	Task Force 12/23/08, rescheduled 01/06/09. Referred to Compliance and Amendments Committee	67.21 (l)
12/4	Anonymous	Police Department	Referred to Education, Outreach and Training Committee	67.29
12/16	Laborers' Union Local 261	Labor Standards Enforcement	Task Force 01/27/09, 1 <sup>st</sup> cont., Task Force 02/24/09, 2 <sup>nd</sup> contd. Task Force 03/24/09	No violation
12/16	Peter Warfield	Capital Planning Committee	Task Force 01/27/09, Withdrawn 1/20/09	

## ORGANIZATION & COMMITTEE STRUCTURE

The Chair of the Task Force appoints committee chairs and its members. Each member of the Task Force must also be a member of a committee.

Ad Hoc Committees are appointed as needed. There have been several Ad Hoc Committee meetings to deal with suggested Sunshine Ordinance provisions for the City College Board, access to public meetings and public records at the San Francisco Community College District, and the San Francisco Unified School District's proposed Open Government Policy.

### **The Task Force has four Standing Committees:**

**Complaint Committee:** The committee monitors the complaint process and makes recommendations to the Task Force regarding how the complaints should be handled. If the efforts of the Administrator and the Deputy City Attorney fail to obtain the information to which a complainant is legally entitled, the matter will be referred to the Complaint Committee for a hearing to determine whether the Task Force has jurisdiction over the complaint, and to clarify the complaint. If jurisdiction is found, a Task Force hearing will be held at which time the complainant and the respondent will present the merits of their respective cases. See § VII, Addendum # 2 for a copy of the complaint form.

Members of the Complaint Committee are Nick Goldman (Chair); Doyle Johnson and James Knoebber.

**Compliance & Amendments Committee:** This Committee was appointed in 2002. This Committee monitors compliance with the Orders of Determinations adopted by the Task Force and recommends to the Task Force amendments to the Sunshine Ordinance regarding enforcement of the Orders of Determination. The Committee also considers recommendations, amendments, and changes to the Sunshine Ordinance as provided by members of the Task Force, City departments, and the general public.

Members of the Compliance and Amendments Committee are Richard Knee (Chair), Erica Craven-Green and Doyle Johnson.

**Education, Outreach, and Training Committee:** The Education, Outreach and Training Committee may monitor compliance with the Orders of Determination adopted by the Task Force; shall make recommendations to the Task Force regarding outreach and publicity to the media and to the general public about the Sunshine Ordinance and the Task Force.

Members of the Education, Outreach, and Training Committee are Sue Cauthen (Chair); Marjorie Williams, Doyle Johnson, Allyson Washburn and Hanley Chan.

**Rules Committee:** This committee was established to review matters related to amendments to the Task Force by-laws and procedures so the Task Force's work could proceed in an orderly manner. The committee also helps to ensure that all annual objectives enumerated in the Sunshine Ordinance are met by the Task Force. As with all committees, recommendations for action are made to the full Task Force for final action.

Members of the Rules Committee are Doyle Johnson (Chair), Kristin Chu and Hanley Chan.

## **ADDENDA**

1. Membership of Task Force
2. Complaint Form and Overview of Procedures
3. Sunshine Ordinance Task Force Web Page Contents

**SUNSHINE ORDINANCE TASK FORCE  
MEMBERS DURING 2008**

Seat 1	Submitted by the local chapter of the Society of Professional Journalists and be an attorney. Appt 8/25/04, reappointed 5/27/08.	Erica L. Craven-Green Term ends 4/10 District 8
Seat 2	Submitted by the local chapter of the Society of Professional Journalists and be a journalist. Appt 5/3/02, reappointed 5/27/08	Richard Knee Term ends 4/10 District 3
Seat 3	Member of the press or electronic media with an interest in citizen access. Appt 5/3/02, reappointed 5/27/08	Sue Cauthen Term ends 4/10 District 3
Seat 4	Appointed from names submitted by New California Media now know as New America Media; be a journalist from a racial/ethnic-minority-owned news organization. Pueng Vongs appt 4/1/06, resigned 2/13/07 Ketaki Gokhale appt 5/27/08, resigned 9/2/08	Vacant
Seat 5	Submitted by the League of Women Voters. Replaced Kristin Chu. Appt 5/27/08	Allyson Washburn Term ends 4/10 District 2
Seat 6	Experienced in consumer advocacy. Replaced Doug Comstock. Appt 6/20/08:	James Knoebber Term ends 4/10 District 3
Seat 7	Experienced in consumer advocacy. Replaced David Pilpel. Appt 11/7/08	Doyle Johnson Term ends 4/10 District 8
Seat 8	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Replaced Bruce Wolfe. Appt 5/27/08	Kristin Chu Term ends 4/10 District 1
Seat 9	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 4/1/06, reappointed 5/27/08	Hanley Chan Term ends 4/10 District 3
Seat 10	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 6/2/05. Reappointed 5/27/08	Nick Goldman Term ends 4/10 District 8
Seat 11	Demonstrated interest in or has experience in the issues of citizen access and participation in local government. Appt 5/25/01; re-appointed 5/9/03; 6/2/05; 1/14/08	Marjorie A. Williams Term ends 4/09 District 10
Ex- Officio	Clerk of the Board or her designee (non-voting): Gloria Young served from 1/06 to 4/07, Angela Calvillo served from 7/07 to 2/09	Tanene A. Allison Begins 3/09
Ex- Officio	Mayor or his designee (non-voting) Richard Sklar (replaced Harrison Sheppard) 7/30/08 - 1/27/09	(Vacant)



### SUNSHINE ORDINANCE TASK FORCE

1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102

Tel. (415) 554-7724; Fax (415) 554-7854

<http://www.sfgov.org/sunshine>

Thank you for your interest in the implementation of the San Francisco Sunshine Ordinance.

The Sunshine Ordinance adopted by the citizens of the City & County of San Francisco declares that:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.

The role of the Sunshine Ordinance Task Force is to advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement the Ordinance. The Task Force is responsible for developing appropriate goals to ensure the practical and timely implementation of the Ordinance and to report to the Board on practical or policy problems encountered in the administration of the Ordinance.

If you have encountered problems regarding compliance with the Ordinance, the Public Records Act or the Ralph M. Brown (Public Meetings) Act, we ask that you fill out the attached complaint form. Please deliver the form to Frank Darby, Administrator of the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683.

We attempt to resolve complaints informally where possible, through the affected departments and the City Attorney's office. Matters that cannot be adequately resolved, or matters that involve substantial policy considerations, may be set for hearing at a Task Force meeting. The Task Force meets the fourth Tuesday of each month at 4:00 p.m. at City Hall, Room 408.

Notice: Personal information that you provide is subject to disclosure under the California Public Records Act and the Sunshine Ordinance, except when confidentiality is specifically requested. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).



SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
<http://www.sfgov.org/sunshine>

## SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission \_\_\_\_\_

Name of individual contacted at Department or Commission \_\_\_\_\_

- ☐ Alleged violation public records access  
☐ Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance Section \_\_\_\_\_

*(If known, please cite specific provision(s) being violated)*

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you want a public hearing before the Sunshine Ordinance Task Force?  
Do you also want a pre-hearing conference before the Complaint Committee?

☐ yes ☐ no  
☐ yes ☐ no

*(Optional)*<sup>1</sup>

Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ E-Mail Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

I request confidentiality of my personal information.

☐ yes ☐ no

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).





### Filing a Complaint with the Sunshine Ordinance Task Force

1. You may fill out a Complaint Form, or you may send your own letter filing a formal complaint. The complaint is filed with the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Pl., Room 244, San Francisco CA 94102-4689. (Fax # 415 554 7854)
2. Once your complaint is received, the Complaint Committee of the Sunshine Ordinance Task Force reviews the complaint to determine if the Sunshine Ordinance Task Force has jurisdiction.
  - Jurisdiction is defined as those items the Task Force may address as outlined in the Sunshine Ordinance
3. Once the Complaint Committee completes its consideration, the complainant is notified of the Committee's decision.
4. If the Complaint Committee finds no jurisdiction over the alleged violations in the complaint, the complainant could request reconsideration before the full Task Force at its next scheduled meeting. Should the full Task Force find jurisdiction, a full hearing on the merits would be scheduled.
5. If the Complaint Committee finds the Task Force has jurisdiction, the complainant, respondent, and the Task Force Members are notified in writing of the jurisdiction decision, and the specific matters, which the Complaint Committee has found jurisdiction.
6. The complaint is then scheduled for a hearing before the next meeting of the Sunshine Ordinance Task Force.
7. If additional information is to be submitted from the complainant or respondent, the additional material must be submitted to the Sunshine Ordinance Task Force Administrator at least seven days before the scheduled hearing before the Task Force.
- (a) If the complainant submits any additional material after the seven day deadline, the complainant will be informed that
  - The Task Force may proceed without considering the new material, or
  - The complainant may waive the 45-day time line set and continue the hearing to the next Task Force meeting (the question to be the matter on which the Complaint Committee has granted jurisdiction), or
  - The complainant may withdraw the complaint and file a new complaint to be considered by the Complaint Committee, or
  - The complainant may proceed to hearing with their current complaint and file a new complaint and use the new information to support the freestanding separate complaint.
8. After the Task Force completes its public hearing, the Task Force would make an Order of Determination regarding the complaint.
9. For further information, contact the Sunshine Ordinance Task Force Administrator at (415) 554 7724.

## **SUNSHINE ORDINANCE TASK FORCE**

### **WEB SITE INFORMATION**

In 2008 the Sunshine Ordinance Task Force web page received 3,738,109 hits. The web page consists of:

- Current agendas and minutes
- Meeting notices
- Past years' agendas and minutes
- Public records listing and retention schedule
- By-laws of the Task Force
- Other related documents and information

Information on:

- The Sunshine Ordinance
- Membership of the Task Force
- Committee structure of the Task Force
- Non-profit requirements (Administrative Code, Chapter 12L)
- Duties and responsibilities of the Task Force
- Complaint Procedures and Form
- Frequently asked questions

SUNSHINE ORDINANCE  
TASK FORCE



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TDD TTY No. (415) 554-5227

October 6, 2010

Honorable David Chiu  
President, Board of Supervisors

Dear President Chiu:

Please find attached the Annual Report to the Board of Supervisors from the Sunshine Ordinance Task Force. Again, I express regrets about our tardiness in submitting the report, but the delay was unavoidable because Task Force members' outside commitments made it impossible at times to maintain or even muster a quorum.

We trust the report will help you, your honorable Board colleagues and your administrative staff to understand the mission and goals of the Task Force, and how we are working to meet them. We are happy to provide additional information that any of you requires. You can reach us through Task Force Administrator Chris Ruston in City Hall Room 244; phone (415) 554-7724; e-mail [sotf@sfgov.org](mailto:sotf@sfgov.org). Thank you for your kind attention.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Knee".

Richard A. Knee  
Sunshine Ordinance Task Force Chair

## **SUNSHINE ORDINANCE TASK FORCE 2009-10 ANNUAL REPORT**

### **The Ordinance and the Task Force**

The Sunshine Ordinance Task Force was established by the Sunshine Ordinance (Administrative Code Sections 67.1 et seq.) to foster City government transparency and accountability.

The Ordinance was originally enacted in 1993 by the Board of Supervisors and then-Mayor Frank Jordan. The current Ordinance was approved as Proposition G by City voters in November, 1999.

The Task Force has 11 seats for voting members. Ten of them are filled as this report is being written. The members are Chair Richard Kneec; Vice-Chair Bruce Wolfe; Sue Cauthen; Hanley Chan; Hope Johnson; James Knoebber; Suzanne Manneh; David Snyder; Allyson Washburn; and Marjorie Ann Williams. Seat #7 recently became vacant when Nicholas Goldman left the Task Force to study law.

Members are appointed by the Board of Supervisors, and the appointments receive Mayoral approval. Members serve for two-year terms, without pay or expense reimbursement. There is no tenure limit for serving on the Task Force.

The Task Force has seats designated for ex-officio, non-voting members from the offices of the Mayor and the Clerk of the Board of Supervisors. Both seats are vacant as this report is being written.

The Task Force is responsible for monitoring the effectiveness of the Ordinance and recommending ways to improve it. The goals are to maximize citizens' access to City records that are by law disclosable and to City meetings that are by law open to the public; and to help City officials, employees and entities find operationally and economically efficient and effective ways to meet those goals.

The Task Force normally meets on the fourth Tuesday of each month at 4 p.m. Committees of the Task Force normally meet on various days during the second week of each month.

The length of Task Force and committee meetings varies with the amount of business before them. Often, a major determinant for meetings of the Task Force, and of the Complaint, the Compliance & Amendments and the Education, Outreach & Training Committees is the number of sunshine-related complaints before them.

It is important to note that the number of complaints that the Task Force Administrator receives is substantially higher than the number of complaints that goes to the Task Force for adjudication. This is because the Administrator is often able to bring the parties in interest together for satisfactory clarification and resolution.

### **Long-Term Issues**

The Task Force also deals with long-term issues. The current list includes:

- ✧ Amending the Ordinance. The Task Force believes some reforms are necessary to enable it to do its job more effectively. For a variety of reasons, the Task Force could not complete deliberations on the proposed amendments in time to get the reform package on the November, 2010, ballot. The target date is now November, 2011. Because the current Ordinance was enacted by the voters, amendments to it also must go on the ballot. Only in certain, narrowly defined cases may the Board and the Mayor amend the Ordinance.
- ✧ Ethics Commission handling of sunshine-related complaints. The Commission has invited the Task Force's input in developing a new set of policies in this area. The Task Force has long been troubled with the way the Commission has been handling matters that the Task Force has referred to the Commission. The Task Force believes that the Commission has erroneously placed decisions on these matters with staff when the Commission itself should be making the determinations. The Commission staff has dismissed all of the roughly 15 complaints on which the Task Force has requested enforcement for willful violation of the Ordinance. To the best of the Task Force's knowledge, the staff has taken these actions often without reading through the entire body of material relevant to a given case and never in consulting with the Task Force or an original complainant.
- ✧ Updating the Index of Records. The City Administrator's Office is revising its guidelines and policies for the Index of Records required by Section 67.29 of the Ordinance, and has told the Task Force that it plans to train City departments to comply with new procedures. These revisions are intended to create an Index that is more useful to the general public. The Task Force continues to provide guideline and policy recommendations and monitor department compliance.

### **Issues for the Board of Supervisors to Consider**

The Task Force believes some clarifications regarding statements and perceptions about the procedures and resources needed to manage the Task Force can help to inform future decisions regarding the Task Force's annual budget. It seems there is a perception that "action minutes" can be used for a quasi-judicial body. The Task Force does not conduct business in the same way that the Board of Supervisors and its committees do. Evidence and testimony presented to the Board and its committees are meant to shape policies that will revise or be added to existing code; thus "action minutes" are pretty much the standard for policy bodies and the results are what ultimately matter.

The operational process for the Task Force is quite different. It is, again, a quasi-judicial body that, when receiving a sunshine-related complaint, takes specific testimony and evidence from the complainant, from the respondent, and from persons supporting either party in interest. Such hearings also include public comment. All of the foregoing and the resulting finding for the complainant or the respondent go into a file that is at times quite voluminous. In addition, the docket must be available for review, as it serves as "case law" under the Sunshine Ordinance.

There are other City policy bodies that operate much like the Task Force – including but not limited to the Rent Board, Ethics Commission and Appeals Board – all of which have budgets and staffs far larger than those of the Task Force.

The Task Force and its staff continually look for ways to improve operational and economic efficiencies, both at meetings and in record-keeping. At the same time, the Task Force strongly believes that maintaining staffing, equipment, supplies and facilities – and thus, the budget – at least at current levels is of paramount importance. The Task Force notes with appreciation that the Board and the Mayor intend to do that for fiscal 2010-11. But going forward, it is important to remember that reducing the Task Force's budget based on the perceptions or presentations would produce no net benefit and may violate the Sunshine Ordinance provision regarding staffing and resource requirements. Ordinance Section 67.31 states in part, "The Clerk of the Board of Supervisors shall provide a full-time staff person to perform administrative duties for the Sunshine Ordinance Task Force and to assist any person in gaining access to public meetings or public information. The Clerk of the Board of Supervisors shall provide that staff person with whatever facilities and equipment are necessary to perform said duties."

The Task Force encourages the Board to consult with the Clerk of the Board, Angela Calvillo, and with Task Force Administrator Chris Rustom when questions arise about what the Task Force needs in staffing, facilities, equipment and supplies to meet its responsibilities.

On a similar and equally relevant matter, the Task Force is deeply concerned about a paring of assistance from the City Attorney's Office. Section 67.30(a) of the Sunshine Ordinance mandates that a deputy city attorney (DCA) be assigned to work with the Task Force. Unfortunately, budgetary constraints have caused the City Attorney to limit the number of hours per year that a DCA is available to work with the Task Force. This is causing problems for the Task Force and its committees as they weigh substantive and procedural matters. The Task Force has reminded City Attorney Dennis Herrera of the Section 67.30(a) mandate. In an August 31, 2010, letter to Chair Knee, Mr. Herrera expressed his desire to provide the Task Force with "top-notch" assistance as needed but said a reduction in the General Fund budget allocation to his Office made it necessary to pare the number of hours that a DCA could work with the Task Force. The Task Force strongly urges the Board of Supervisors to provide sufficient funding to enable the City Attorney's Office to comply with the 67.30(a) mandate in future fiscal years.

A final note: The Task Force has for more than five years been requesting live videocasting of its meetings on the City's cable channel, SFGOV-TV, and on the City's web site. The Task Force has proved a viable, vital resource for the public, and its activities are sufficiently instructive as to be a compelling subject for regular videocast. And this should not be difficult, as the Task Force and its committees meet regularly in hearing rooms each equipped with at least one video camera.

Again, the Task Force strongly urges that Board and the Mayor keep the Task Force's budget at least at its current level, and recognize the Task Force's needs and requirements under the Sunshine Ordinance for full-time staff and resources that will enable it to continue providing services to the City and the public.

Respectfully submitted,  
Richard A. Kneé, Chair  
Bruce Wolfe, Vice-Chair

## **Sunshine Ordinance Task Force Complaint Committee 2009-10 Annual Report**

The Complaint Committee determines whether the Task Force has jurisdiction on a given complaint, helps complainants focus their complaints, monitors the complaint process and makes recommendations to the Task Force regarding how complaints should be handled.

The Complaint Committee comprises three members: Chair James Knoebber, Richard Knee and Allyson Washburn. Member Knee on July 1 replaced Doyle Johnson, who is no longer on the Task Force. Member Johnson consistently showed genuine interest in ensuring informed and fair decisions on the issues that came before the Committee and the full Task Force.

The Complaint Committee normally meets on the second Tuesday of each month at 3:30 p.m.

In 2009 the Complaint Committee heard 22 complaints. It should be noted that the full Task Force held hearings on many more complaints than these. This is because the complaint underlying a particular hearing may not necessarily come before the Complaint Committee. This happens if jurisdiction is not contested. Following are the matters that came before the Complaint Committee in 2009, by month:

### **January**

Witt v. Taxi Commission  
Anonymous Tenants v. DBI

### **February**

Anonymous v. City Attorney's Office

### **March**

Rita O'Flynn v. DTI  
David Larkin v. DPW  
Charles Pitts v. Health Dept.

### **April**

Banks v. SF HIV Health Svcs. Planning Council

### **May**

Anonymous v. MTA

### **June**

Weston v. DHS  
Leung & Fong v. DHS  
Xex v. DHS  
Xex v. DHS

### **July**

Grogan v. Police Commission



Maionchi v. Dept. Rec Park  
Tomina v. DBI

**August**

Kinnard v. HRC  
Mabbutt v. Dept. Rec Park

**September**

No meeting

**October**

Mollinedo v. Zoological Society  
Garcia v. Entertainment Commission

**November**

Lawrence v. MTA

**December**

Banks v. DPH

In 2010, the Complaint Committee has heard 13 complaints:

**March**

Lawrence v. MTA  
Datesh v. Arts Commission  
Daly v. Mayor's Office (Yarne and Arellano)

**April**

Bretherton v. Emergency Management Dept.

**May**

Crawford v. City Attorney's Office  
Datesh v. Arts Commission  
Robinson v. Rent Board  
Hartz v. Rent Board (2 complaints)  
Kinnard v. Human Rights Commission

**June**

Ptashnaya v. Adult & Aging Services Dept.  
Xex v. Children & Families Commission  
Dumont v. Recreation & Parks Dept.

**The Complaint Committee would be aided immeasurably by the presence of a Deputy City Attorney at our meetings. Economy moves within the City Attorney's office have eliminated our ability to rely on a legal voice to assist us as we deliberate.**

Respectfully submitted,  
James Knoebber, Chair

**Sunshine Ordinance Task Force  
Compliance & Amendments Committee 2009-10 Annual Report**

The Compliance & Amendments Committee (CAC) takes the lead in monitoring the effectiveness of the Sunshine Ordinance and in proposing revisions thereto. In addition, the CAC follows up on Orders of Determination that the Task Force issues when finding violations of the Ordinance, investigating whether the Orders have been met and recommending when necessary that the Task Force refer cases of willful violation to entities empowered to impose penalties.

The CAC comprises five members: Chair Allyson Washburn, Hope Johnson, Richard Knee, David Snyder and Bruce Wolfe. Mr. Snyder replaces Erica Craven-Green on the CAC and on the Task Force, holding the Task Force seat designated for an attorney nominated by the Society of Professional Journalists, Northern California Chapter. Ms. Craven-Green contributed extensive knowledge of statutory and case law, and of their applicability to matters that came before the CAC, which she chaired from July, 2009, to April, 2010, and the Task Force.

The CAC normally meets the second Tuesday of each month at 4 p.m.

The CAC in March, 2010, completed a long series of exhaustive public deliberations on proposed amendments to the Sunshine Ordinance, and sent the package for in-public review, still in progress, by the Task Force.

The CAC is taking the lead in developing guidelines for the Task Force on public access to electronic records, including backup, storage and retrieval. This is a long, complex process, given the immense volume of information to be gathered on available and evolving technology, work in progress by the Committee on Information Technology, and best practices in other jurisdictions around the country.

The CAC in 2009 followed up on 20 Orders of Determination that the Task Force issued after finding violations of the Sunshine Ordinance:

**February**

Crossman v. Dept. of Telecommunications & Information Services (DTIS): Partial compliance found; matter continued.

Xex v. Arts Commission: Compliance found. No further action taken.

**May**

O'Flynn v. Dept. of Technology (formerly DTIS): Continued.

Arce & Brooks v. SFPUC: Referred back to Task Force with recommendation to refer to Ethics Commission due to willful violation.

Larkin v. Dept. of Public Works: Referred back to Task Force with recommendation to refer to Ethics Commission due to willful violation.

Anonymous Tenants v. Dept. of Building Inspection: Continued to July meeting.

GOVERNMENT  
DOCUMENTS DEPT

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SAN FRANCISCO  
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## **June**

O'Flynn v. Dept. of Technology (continued from previous month): Ms. O'Flynn could not attend; matter continued.

SORE v. SFPUC: Neither party was present or represented. Matter was deemed concluded.

## **July**

O'Flynn v. Dept. of Technology (continued from previous month): CAC determined it could take no further action.

Anonymous Tenants v. Dept. of Building Inspection (continued from May meeting): Continued.

## **August**

Anonymous Tenants v. Dept. of Building Inspection (continued from previous meeting): Compliance found. Matter concluded.

## **September**

Maionchi v. Dept. of Recreation & Parks: Compliance found. No further action taken.

Kinnard v. Human Rights Commission: Continued.

Mabbutt v. Dept. of Recreation & Parks: Good-faith effort by both sides found. Matter taken off calendar.

Warfield v. Public Library: Continued.

Warfield v. Board of Appeals: Respondent not present or represented. Matter continued.

## **October**

Cauthen v. Library Commission: Referred to Task Force with recommendation of referral to Ethics Commission due to willful violation by Commission President Jewelle Gomez.

Kinnard v. Human Rights Commission (continued from previous month): There was tentative indication of compliance. CAC asked complainant to meet with respondent and inform the CAC if Order of Determination had not been met. CAC took no formal action.

Mabbutt v. Dept. of Recreation & Parks: CAC encouraged parties to work together; took no formal action.

Warfield v. Public Library (continued from previous month): Agreed CAC Chair Craven-Green would write a letter to the Library expressing displeasure at its failure to appear at hearings, and asking why documents were not provided and why an unusable copy of a draft was provided after five days. Library was also to respond as to when the original of a requested blueprint was deleted and whether it could provide full-sized copies. If the Library does not respond within five days following receipt of the letter, the CAC was to refer matter to Task Force.

Warfield v. Board of Appeals (continued from previous month): Matter referred to Task Force with recommendation to refer it to Ethics Commission due to willful violation.

O'Flynn v. Mayor's Office of Housing: Further information needed; matter continued.

Evans v. Ella Hill Hutch Community Center: Further information needed; matter continued.

Evans v. African-American Art & Culture Complex: CAC Chair Craven-Green said she would urge respondent produce a list of employees and other documents sought by complainant. She would also inform the Arts Commission that it needs to produce documents it may have on the Art and Culture Complex. No further action.

**November**

O'Flynn v. Mayor's Office of Housing (continued from previous month): Information from respondent needed; matter continued.

Mollinedo v. Zoological Society: Continued with instruction to respondent to produce minutes that had been redacted.

Warfield v. Clerk of the Board: Compliance found. No further action.

Warfield v. Clerk of the Board: Continued with instruction that respondent provide written policy regarding personal-information redactions.

**December**

Kinnard v. Human Rights Commission: Consensus to correspond with respondent for clarification on pending issues.

O'Flynn v. Mayor's Office of Housing (continued from previous month): Non-compliance and willful violation found: matter referred back to Task Force.

Mollinedo v. Zoological Society (continued from previous month): Compliance found. No further action.

The CAC has in 2010 followed up on 10 Orders of Determination that the Task Force issued after finding violations of the Sunshine Ordinance:

**January**

Mabbutt v. Dept. of Parks & Recreation: Continued.

**February**

Mabbutt v. Dept. of Parks & Recreation (continued from previous meeting): Matter referred to Task Force with recommendation to refer it to Ethics Commission due to willful violation.

Banks v. Dept. of Public Health: Complainant advised to make broad request for information. Matter concluded.

Anonymous Tenants v. Planning Dept.: Evidence from both sides found lacking. No further action.

Tsang v. Dept. of Building Inspection: Compliance found. Matter concluded.

Addario v. Arts Commission: Compliance found but certain aspects of the matter needed attention of Education, Outreach & Training Committee.

**March**

Starr v. City Attorney's Office: Referred to Task Force for referral to an enforcement entity to be determined, due to willful violation.

Kinnard v. Human Rights Commission: Compliance found except for non-timely response violation. No further action.

**July**

Prashnaya v. Dept. of Aging & Adult Services: Referred to Task Force for referral to an enforcement entity to be determined, due to willful violation.

Dumont v. Recreation & Parks Dept.: Compliance found. Matter concluded.

Hartz v. Police Commission: Continued.

**The CAC would be aided immeasurably by the presence of a Deputy City Attorney at our meetings. Economy moves within the City Attorney's office have eliminated our ability to rely on a legal voice to assist us as we deliberate.**

Respectfully submitted,  
Allyson Washburn, Chair

## **Sunshine Ordinance Task Force Education, Outreach & Training Committee 2009-10 Annual Report**

The Education Outreach & Training Committee (EOTC) is active on several fronts as it pursues its mission to communicate the precepts of open government to City departments and the residents of San Francisco.

The EOTC comprises five members: Chair Hanley Chan, Sue Cauthen, Hope Johnson, Suzanne Manneh and Marjorie Ann Williams. Ms. Johnson on July 1 replaced Doyle Johnson, who is no longer on the Task Force. Mr. Johnson consistently showed genuine dedication to the work of the Committee and the full Task Force.

The EOTC normally meets on the second Thursday of each month at 4 p.m.

The EOTC works with City departments on compliance issues. It explains the Sunshine Ordinance to community groups and government entities. It contacts local news media to acquaint them with open government issues.

**OUTREACH:** In 2009, the EOTC took on a new function: working with City departments found in violation of the Sunshine Ordinance. The goal is to bring them into voluntary compliance and avoid punitive measures.

**We are pleased to report a high degree of success. A notable example is the Historic Preservation Commission, which upgraded its minutes to conform to the Sunshine Ordinance by providing a brief summary of each public comment.**

**Other groups pursuing voluntary compliance** with Sunshine law at the behest of the EOTC include the Planning Department, the Public Utilities Commission, Shanti, the Shelter Monitoring Committee, the Mayor's Office of Economic & Workforce Development, the SF HIV Health Services Planning Council, and the Arts Commission, among others.

Recently, the EOTC proposed giving Sunshine awards to encourage government entities to undertake full compliance with open-government precepts, following both the spirit and the letter of the law. We believe our awards will draw more attention to the Sunshine Ordinance and the many positive features of participatory democracy.

**EDUCATION:** In pursuing our charge to transmit the principles of open government to the public, the Committee was effective on two fronts: (1) presentations to community and government groups, and (2) development and distribution of educational materials.

The EOTC has met with such diverse groups as Police Department Community Relations teams, Shanti, the Mayor's Office of Economic & Workforce Development, the SF HIV Health Services Council and North Beach Neighbors. We are set to appear before the Shelter Monitoring Committee, as well as the Coalition for San Francisco Neighborhoods, a 35-member umbrella group. Once amendments to the Ordinance are in place, we anticipate a lively business explaining the new rules to the public.

We have also developed a brochure to explain the Sunshine Ordinance and its administration to the public, including tips on how to file a Sunshine complaint and other helpful facts. With the assistance of YBR Promotions, we created a compact, full-color handout on glossy paper, titled "We Love Sunshine in SF." We also helped the Public Utilities Commission's revise its government procedures to ensure compliance.

We are hampered when an informed representative from a City department does not attend our meetings, a requirement under Section 67.21(e) of the Sunshine Ordinance. Failure to appear makes it impossible for us to pursue voluntary compliance with Task Force findings.

**The EOTC would be aided immeasurably by the presence of a Deputy City Attorney at our meetings. Economy moves within the City Attorney's office have eliminated our ability to rely on a legal voice to assist us as we deliberate.**

Nonetheless, the EOTC is encouraged by the positive response to our efforts from both City government and the general public. We welcome the opportunity to continue fostering open government.

Respectfully submitted,  
Hanley Chan, Chair  
Sue Cauthen, Immediate Past Chair



**Sunshine Ordinance Task Force  
Rules Committee 2009-10 Annual Report**

The Rules Committee's job is to set guidelines to help the Task Force meet its missions of monitoring the effectiveness of the Sunshine Ordinance; recommending revisions to the Ordinance; and helping City entities such as policy bodies and departments to comply with the Ordinance.

The Rules Committee is dormant; Task Force Chair Richard Knee has stated it will be reactivated when necessary.

Toward the end of his service on the Task Force in mid-2010, Committee Chair Doyle Johnson proposed what he envisioned as a low-cost marketing campaign aimed at generating Sunshine awareness among young adults and to encourage their participation in the political process.

The campaign would include production of printed materials for distribution at major city festivals, street fairs, park events, etc.; use of online resources such as social networking sites and the City's own website; and an online newsletter.

These goals could be met by finding sponsors such as green printers and online media; obtaining free printing in exchange for tax breaks and publicity; getting volunteers or interns to pass out handbills and other materials; getting interns to create campaign graphics designs; and distributing a monthly Task Force newsletter, in electronic and print versions, to City entities to make officials aware of their Sunshine responsibilities.

Respectfully submitted,  
Richard A. Knee, Task Force Chair

**Complaints: January 2009 to June 2010**

Date Received	Complainant	Department/Respondent	Status
1/5/2009	Ray Hartz (09001)	City Attorney's Office (Matt Dorsey)	Complaint 2/10/09, Task Force 02/24/09, Contd. 03/24/09, Withdrawn 3/24/09
1/6/2009	Michael Petreitis (09002)	Public Health STD Unit	Task Force 1/27/09, No violation
1/19/2009	Rita O'Flynn (09003)	Dept of Technology	Task Force 02/24/09, continued, Complaint Committee 3/10/09, Task Force 3/24/09, Violated 67.21-1 and CPRA 6253.9, CAC 5/12/09, Contd 6/5/09, 7/14/09, No further action
1/23/2009	Ray Hartz (09004)	City Attorney, Matt Dorsey	Task Force 2/24/09, No action taken, petition for reconsideration denied 3/24/09
1/23/2009	Steve Lawrence (09005)	Public Utilities Commission	Task Force 2/24/09, Withdrawn 2/9/09
1/26/2009	Joshua Arce & Eric Brooks (09006)	Public Utilities Commission	Task Force 2/24/09, quorum loss, Task Force 3/24/09, violated 67.29-7, CAC 5/12/09, Task Force 5/26/09, EC referral failed
1/30/2009	David Larkin (09007)	Public Works	Complaint 03/10/09, Task Force 3/24/09, 4/28/09, Violated 67.29 and 67.21 (e), CAC 5/12/09, Task Force 5/26/09, Referred to EC
2/4/2009	Ray Hartz (09008)	Police Commission	Task Force 2/24/09, violated 67.29 & 67.21(e), EOT 4/9/09, SOTF 6/23/09, 8/25/2009, 8/22/2009, No further action, EOT to review every few months
2/6/2009	Charles Pitts (09009)	Health Dept	Complaint 03/10/09, Task Force 3/24/09, Violated 67.21 (e)
2/20/2009	Ray Hartz (09010)	Arts Commission	Task Force 3/24/09, EOT 4/9/09, No further action
2/23/2009	Ray Hartz (09011)	City Attorney's Office (Matt Dorsey)	Task Force 3/24/09, Withdrawn 3/24/09
2/23/2009	Ray Hartz (09012)	Office of Citizen Complaints	Complaint 4/14/09, Withdrawn 3/24/09
2/27/2009	Steve Lawrence (09013)	Public Utilities Commission	Task Force 3/24/09, 4/28/09, violated 67.21 (b), EOT 5/14/09, 8/11/09
3/18/2009	Ahmisa Porter Sunchai (09014)	Board of Supervisors	Task Force 4/28/09, Contd 5/26/09, No violation
3/18/2009	Raymond Bank (09015)	SF HIV Health Services Planning Council	Complaint Committee 4/14/09, Task Force 4/28/09, violated 67.21 (b), EOT 5/14/09, 6/11/09, No further action
3/23/2009	Peter Green (09016)	Public Health	Task Force 4/28/09, Contd 5/26/09, No violation
23-Mar	SORE (09017)	Public Utilities Commission	Task Force 4/28/09, violated 67.21 (b), EOT 5/14/09, No further action
3/27/2009	Anonymous Tenants (09018)	Dept of Bldg Inspection	Complaint Committee 4/14/09, Task Force 4/28/09, Violated 67.26 (d), CAC 5/12/09, Contd 7/14/09, Contd 8/11/09, no further action
4/3/2009	Christian Holmer (09019)	Board of Supervisors (COB & SOTF)	Task Force 5/26/09, Withdrawn
4/7/2009	Anonymous (09020)	MTA	Task Force 5/26/09, No violation

Complaints: January 2009 to June 2010

4/23/2009	SORE (09021)	Public Utilities Commission	Task Force 5/26/08, Violated 67.21 ( b ), CAC 6/9/09
5/13/2009	Raymond Banks (09022)	SF HIV Health Services Planning Council	Task Force 5/26/09, No violation
5/13/2009	SORE (09023)	Public Utilities Commission	Task Force 5/26/08, No violation
5/15/2009	Paul Weston (09024)	Human Services	Complaint 6/9/09, Task Force 6/23/09, violated 67.25 (a)
5/15/2009	Charles Pitts (09025)	Human Services	Task Force 6/23/09, 7/28/09, violated 67.25, No further action
5/18/2009	Hanna Leung & Lydia Fong (09026)	Human Services	Complaint 6/9/09, Task Force 6/23/09, 7/28/09, No further action
5/18/2009	Alvin Xee (09027)	Office of Economic and Workforce Development	Complaint 6/9/09, Task Force 6/23/09, violated 67.21 (b), EOT 7/9/09, No further action
5/18/2009	Alvin Xee (09028)	Dept. of Human Resources	Complaint 6/9/09, Task Force 6/23/09, No violation
5/20/2009	Paul Weston (09029)	Human Services (St Vincent de Paul Society)	Task Force 6/23/09, No violation
6/8/2009	Ann Grogan (09030)	Police Commission	Complaint 7/14/09, Task Force 7/28/2009, violated 67.6 ( e ) and 67.4, EOT, 9/10/09, 10/8/09, Tabled
6/3/2009	Kenneth Kinnard (09031)	Human Rights Commission	Complaint 7/14/09, Cont requested 8/11/09, TF 8/25/2009, violated 67.21, 67.25, CAC 9/8/2009, 10/13/09, No further action
6/18/2009	Dominic Maionchi (09032)	Park and Recreation	Task Force 7/29/09, violated 67.27, 67.24, CAC 9/9/2009, No further action
6/23/2009	Sue Cauthen (09033)	Library Commission	Task Force 7/29/09, violated 67.15 ( a ) and 67.34, EOT 9/10/09, CAC 10/13/09, Task Force 10/27/2009, Cont'd 12/01/2009, referred to EC
6/23/2009	Brian Tomina (09034)	Bldg Inspection	Complaint 7/14/09, Task Force 7/28/09, No violation
7/14/2009	Dave Schneider (09035)	COB, BOS	Task Force 9/25/2009, violated 67.15 ( a ) & ( e ), No further action
7/14/2009	Bridget (09036)	Police Dept	Task Force 9/25/2009, violated 67.21 (a), 67.24 (d), 67.27, EOT 9/10/09, No further action
7/14/2009	Ging Louie (09037)	SFPUC	Task Force 8/25/2009, Withdrawn 8/14/09
7/17/2009	Anmarie Mabbutt (09038)	Rec & Park	Complaint 8/11/2009, Task Force 9/25/2009, violated 67.21, CAC 9/9/2009, 10/13/2009, No further action
7/20/2009	Rita O'Flynn (09039)	Mayor's Office of Housing	Task Force 9/25/2009, 9/22/2009, violated 67.21, 67.29-7 ( a ), CAC 10/13/2009, cont'd 11/10/2009, 12/8/2009, Task Force 01/15/10, referred to EC and DA
7/22/2009	Hanna Leung & Lydia Fong (09040)	Human Services	Task Force 8/25/2009, 9/22/2009, Withdrawn

Complaints: January 2009 to June 2010

7/28/2009	Anna Mabbutt (09041)	Mayor's Office	Task Force 8/25/2009, Withdrawn 8/22/2009
8/11/2009	Peter Warfield (09042)	Public Library	Task Force 8/25/2009, violated 67.21, CAC 9/8/09, Task Force 09/22/2009, CAC 10/13/2009, Task Force 10/27/09, referred to EC
8/11/2009	Peter Warfield (09043)	Library Commission	Task Force 8/25/2009, 9/22/2009, No further action
8/11/2009	Peter Warfield (09044)	Board of Appeals	Task Force 8/25/2009, violated 67.1 (g), 67.21, CAC 9/8/2009, 10/13/09, Task Force 10/27/2009, cont'd 12/01/2009, referred to EC
8/11/2009	Peter Warfield (09045)	Board of Appeals	Task Force 8/25/2009, No further action
8/14/2009	Randal Evans (09046)	Ella Hill Hutch Community Center	Task Force 9/22/2009, CAC 10/13/2009, 11/10/2009, Withdrawn
8/14/2009	Dominic Maonchi (09047)	Park and Recreation	Task Force 9/22/2009, withdrawn
8/14/2009	Brian Tormna (09048)	Blity Inspection	Task Force 9/22/2009, withdrawn
8/17/2009	Randal Evans (09049)	Public Defender (MolMagg)	Task Force 9/22/2009, withdrawn
8/17/2009	Randal Evans (09050)	African American Art and Culture Complex	Task Force 9/22/2009, violated 67.21, CAC 10/13/2009, Tabled
8/20/2009	Martyn Molinedo (09051)	Zoological Society	Complaint Committee 10/13/2009, Task Force 10/27/2009, violated 67.21, CAC 11/10/2009, CAC 11/10/2009, 12/8/2009, no further action
9/2/2009	Charles Pitts (09052)	Shelter Monitoring Committee	Task Force 9/22/09, violated 67.15 (d), EOT 10/08/2009, No further action
9/3/2009	Lou Dillon (09053)	Recreation and Park	Task Force 9/22/09, Cont'd 10/27/2009, No violation
9/8/2009	Robert Garcia (09054)	Entertainment Commission	Complaint Committee 10/13/09, Withdrawn 10/13/2009
9/8/2009	Peter Warfield (09055)	Public Library	Task Force 9/22/09, No further action
9/9/2009	Peter Warfield (09056)	Clerk of the Board	Task Force 9/22/09, violated 67.21 (a), 67.21 (g), Cont'd 10/27/2009, CAC 11/10/2009, No further action
9/9/2009	Peter Warfield (09057)	Clerk of the Board	Task Force 9/22/09, Cont'd 10/27/2009, 67.21 (a), 67.21 (b), CAC 11/10/2009, 12/8/2009, Task Force 01/5/10, referred to EC and EOTC 03/11/10, Task Force 04/27/10, referred to EC and BOS
9/11/2009	Anmarie Mabbutt (09058)	Clerk of the Board	Task Force 10/27/09, Withdrawn 10/23/09
9/11/2009	Anmarie Mabbutt (09059)	Clerk of the Board	Task Force 10/27/09, Withdrawn 10/23/09
9/11/2009	Anmarie Mabbutt (09060)	Clerk of the Board	Task Force 10/27/09, Withdrawn 10/23/09

## Complaints: January 2009 to June 2010

8/22/2009	Alvin Xex (09061)	Human Services Agency	Task Force 10/27/09. No violation
10/2/2009	Debra Benedict (09062)	Public Health	Task Force 10/27/09. No further action
10/5/2009	Alvin Xex (09063)	Human Services Agency	Task Force 10/27/09. Tabled
10/6/2009	Alvin Xex (09064)	Economic Opportunity Council of San Francisco	Task Force 10/27/09. No further action
10/7/2009	Charles Pitts (09065)	Local Homeless Coordinating Board	Task Force 11/24/2009. violated 67.7 (a) and 67.21 (e). No further action
10/7/2009	Erni Lawrence (09066)	Municipal Transportation Agency	Complaint 11/10/2009. no jurisdiction
10/13/2009	Library Users Association (09067)	Historic Preservation Commission	Task Force 11/24/2009. violated 67.16, 67.21 (e). referred to EOTC 12/1/09, 01/14/10, 02/11/10. Tabled
10/14/2009	Brent Plater (09068)	Recreation and Park	Task Force 11/24/2009. Withdrawn 11/13/2009
10/14/2009	Asian Law Caucus (09069)	Mayor's Office	Task Force 11/24/2009. violated 67.21 (e), 67.22, 67.21 (e), 67.27. Task Force 01/05/10, CAC 02/09/10, TF 03/23/2010, 04/27/10
10/21/2009	Anmane Mabbutt (09070)	Recreation and Park	Task Force 11/24/2009. violated 67.14 (c). CAC 01/12/10, 02/09/10, 03/09/2010. Withdrawn
10/21/2009	Anmane Mabbutt (09071)	Recreation and Park	Task Force 11/24/2009. No violation
10/23/2009	Anmane Mabbutt (09072)	Clerk of the Board	Task Force 11/24/2009. 01/05/10. No violation
10/23/2009	Anmane Mabbutt (09073)	Clerk of the Board	Task Force 11/24/2009. 01/05/10. No violation
10/27/2009	Kimo Crossman (09074)	Ethics Commission	Task Force 11/24/2009. 01/05/10. Withdrawn. 12/31/09
10/29/2009	Bred Starr (09075)	City Attorney's Office, Jack Song	Task Force 12/8/2009. 01/05/10, 1/26/10, CAC 03/09/10, TF 03/23/2010, No further action
11/2/2009	Anmane Mabbutt (09076)	Mayor's Office	Task Force 11/24/2009. violated 67.25 (a). EOTC 01/12/10, 02/11/10. Tabled
11/6/2009	Raymond Banks (09077)	Public Health	Complaint Committee 12/8/2009, Task Force 01/05/2010, violated 67.4, EOTC 02/11/10, CAC 03/09/10. Tabled
12/16/2009	Anonymous Tenants (09078)	Planning Department	Task Force 01/05/2010, violated 67.21 (b) (1), 67.26, CAC 02/09/10. No further action
12/16/2009	Kenneth Kinnard (09079)	Human Rights Commission	Task Force 01/05/2010. Tabled, TF 01/05/26, CAC 03/09/10. No further action
12/17/2009	Alvin Xex 09080	Human Services Agency	Task Force 01/05/2010. Tabled

Complaints: January 2009 to June 2010

12/17/2008	Alvin Xex 09081	Economic Opportunity Council of San Francisco	Task Force 01/05/2010, Tabled
12/17/2008	Raymond Banks 09082	Public Health	Task Force 01/05/2010, violated 67 21 b e 67 25 and CPRA 6253.1 (a) 1 2 3, CAC 02/09/10, 03/09/2010, No further action
12/17/2008	Ellen Tsang 09083	Building Inspection	Task Force 01/05/2010, violated 67 25, 67 21 (1), CAC 02/09/10, No further action
12/17/2008	Chris Daly 09084	Mayor's Office	Task Force 01/05/2010, Tabled
12/17/2008	Mike Addario 09085	Arts Commission	Task Force 01/05/2010, violated 67 25, CAC 02/09/10, EOTC 03/11/2010, No further action
12/29/2008	Karl Beale 09086	Planning Department	Complaint Committee 02/09/2010, Withdrawn
1/12/2010	Nick Pasquarello 10001	General Services Agency	Task Force 02/23/2010, No jurisdiction
1/22/2010	Nancy Cross 10002	Law Library	Task Force 02/23/2010, No jurisdiction
1/22/2010	Nancy Cross 10003	ECS Sanctuary	Task Force 02/23/2010, No violation
1/22/2010	Rae O'Flynn 10004	City Attorney's Office	Task Force 02/23/2010, Withdrawn
2/2/2010	Erni Lawrence 10005	MTA	Complaint 03/09/10, Task Force 3/23/2010, No violation
2/4/2010	Paula Daresch 10006	Arts Commission	Complaint 03/09/10, No jurisdiction
2/22/2010	Chris Daly 10007	Mayor's Office	Complaint 03/09/10, Task Force 3/23/2010, violated 67 21(b), 67 21(e), 67 25(b), Task Force 04/27/10, referred to EC and BOS
3/3/2010	Sandra Brotherton 10008	Dept. of Emergency Management	Complaint 04/27/10, Task Force 4/27/2010, No further action
3/10/2010	Majed Crawford 10009	City Attorney's Office	Complaint 5/11/10, TF 5/25/2010, violated 67 26, 67 27, TF 6/22/10, referred to EC
3/26/2010	Paula Daresch 10010	Arts Commission	Complaint 5/11/10, TF 5/25/2010, TF 6/22/10, 07/27/2010, 08/24/2010, Contd
3/26/2010	Juan De Anda 10011	Public Health	Task Force 04/27/10, contd 05/25/10, Tabled
3/29/2010	Ellen Tsang 10012	Planning Department	Task Force 04/27/10, violated 67 21(e), 67 25, TF 6/22/10, no further action
4/5/2010	Nick Pasquarello 10013	Dept. of Technology	Task Force 05/25/10, violated 67 21(b), TF 6/22/10, CAC 8/10/10, TF 08/24/2010, referred to EC
4/9/2010	Michael Robinson 10014	Rent Board	Complaint 5/11/10, no jurisdiction

## Complaints: January 2009 to June 2010

4/14/2010	Ellen Tsang 10015	Planning Department	Task Force 05/25/10, violated 67 21, 67 25, 67 26 and 67 27. TF 6/22/10. Matter concluded
4/19/2010	Ray Hartz 10016	Rent Board	Complaint 5/11/10, TF 5/25/2010, violated 67 245(1)(c) and (e). TF 6/22/10. Matter concluded
4/19/2010	Ray Hartz 10017	Rent Board	Complaint 5/11/10, TF 5/25/2010. No further action
5/18/2010	Svetlana Ptashnaya 10018	Aging and Adult Services	Complaint 6/8/2010, TF 6/22/10, violated 67 21(c), 67 21(e) 67 24(c) (7) & 67 27. CAC 07/13/2010. TF 7/27/2010. Matter concluded
5/21/2010	Alvin Xie 10019	First 5 (San Francisco)	Complaint 6/22/10, Tabled
4/26/2010	Kenneth Kinnard 10020	Human Rights Commission	Complaint 5/11/10, no jurisdiction
4/28/2010	Anonymous 10021	Recreation and Parks Department	Task Force 5/25/10, withdrawn 5/24/10
5/3/2010	Suzanne Dumont 10022	Recreation and Parks Department	Complaint 6/8/2010, TF 6/22/10, violated 67 27. CAC 07/13/2010. Matter concluded
5/21/2010	Alvin Xie 10023	First 5 (San Francisco)	Complaint 07/13/10, Tabled
5/25/2010	Ray Hartz 10024	San Francisco Police Dept	Complaint TF 6/22/10 Contd 07/27/2010, no further action
5/25/2010	Ray Hartz 10025	San Francisco Police Commission	TF 6/22/10, violated 67 29 & 67 21(e). CAC 07/13/2010, 08/10/2010, TF 08/24/2010. Matter concluded
5/25/2010	Ray Hartz 10026	City Attorney's Office	TF 6/22/10, Contd 07/27/2010, 07/27/2010, Withdrawn 07/27/2010
6/1/2010	Barry Taranto 10027	MTA Board of Directors	Task Force 7/27/10, vio 67 7, EOTC 08/12/2010, 09/08/2010, 10/14/2010
6/1/2010	Charles Pitts 10028	Local Homeless Coordinating B	Task Force 7/27/10, Matter concluded
6/1/2010	Charles Pitts 10029	Local Homeless Coordinating B	Task Force 7/27/10, Matter concluded
6/4/2010	Michael Whight 10030	SF Human Services Agency	Complaint 7/13/10, 07/27/2010, 08/24/2010, referred to EC, CAC 08/14/2010, Task Force 9/28/2010, CAC 10/12/2010
6/23/12010	Charles Pitts 10031	Local Homeless Coordinating B	Task Force 7/27/10, 08/24/2010, EOTC 10/14/08/10
6/23/2010	Mike Addario 10032	Human Rights Commission	Complaint 7/13/10, Closed 06/28/2010, False Claim
6/23/2010	Milindha Morahela 10033	Arts Commission	Complaint 7/13/10, Withdrawn 7/13/2010
6/28/2010	Nick Pasquanello 10034	Department of Technology	Complaint 7/13/10, 07/27/2010, 08/24/2010, EOTC 10/14/2010

# Number of contacts the Sunshine Ordinance Task Force administrator had with the public

